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The American Political Science Review

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THE POLITICAL INTERPRETATION OF HISTORY*

ARTHUR N. HOLCOMBE

Harvard University

Ever since the inquisitive age in which Voltaire wrote his *Philosophic Dictionary*, reflection upon the course of human events has caused scholars to persist in the search for a rational interpretation of history. They have not been discouraged by the skepticism of historians who, like Froude, have argued that the address of history must be less to the understanding than to the higher emotions. "A science of history," according to this historian, "implies that the relation between cause and effect holds in human things as completely as in all others; that the origin of human actions is not to be looked for in mysterious properties of the mind, but in influences which are palpable and ponderable." Froude believed that "natural causes are liable to be set aside and neutralized by what is called volition," and that in consequence "the word Science is out of place" in connection with the study of history. If, as Froude intimated, the origin of human actions can be found only in mysterious properties of the mind, the outlook for a rational interpretation of history may well be poor.

Despite the skeptics, political scientists, I think, will prefer to believe with Kant that "whatever metaphysical theory may be formed regarding the freedom of the will, it holds equally true that the manifestations of the will in human actions are determined, like all other external events, by universal natural laws." Hence, as Kant persuasively argues in his epoch-making essay, *The Natural Principle of the Political Order*, it may be hoped that, when the play of the human will is examined on the great scale of universal history, a regular march will be discovered in its movements.

* Presidential address delivered before the American Political Science Association at its thirty-second annual meeting, Chicago, Illinois, December 29, 1936.

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Thus, as Kant himself pointed out, marriages, births, and deaths appear to be incapable of being reduced to any rule by which their numbers may be calculated beforehand, on account of the great influence which the free will of man exercises upon them; and yet the vital statistics of all countries prove that these events take place according to constant natural laws. He compared them with the very inconstant changes of the weather, which cannot be determined beforehand in detail, but which maintain the flow of rivers, the growth of plants, and the existence of the animal world. Men, viewed as a whole, are not guided in their efforts merely by instinct, like the lower animals; nor do they proceed in their actions, like the citizens of a purely rational world, according to a preconcerted plan. Nevertheless, Kant concluded, it may be possible to discover a universal purpose of nature in this paradoxical behavior of human beings. We may not choose to speak of a science of history, but we may hope to collect with the aid of the historians the materials by means of which the history of creatures who act without a conscious plan of their own can be rationally interpreted according to a determinate plan of nature.

Kant did not believe that he himself knew enough about the history of mankind to explain the laws of human development, but he did venture to offer a clue to such an explanation. This clue is embodied in the famous eighth proposition of his essay on *The Natural Principle of the Political Order*. "The history of the human race," he declared, "viewed as a whole, may be regarded as the realization of a hidden plan of nature, to bring about a perfect political constitution as the only state in which all the capacities implanted by her in mankind can be fully developed." This is the great hypothesis which gives Kant his transcendant position among those who have sought a rational interpretation of history. It calls for an interpretation of history in terms of a constitutional history of mankind. Since the essence of every kind of constitution is the system of education which gives the constitutional forms their vital force and practical significance, a constitutional history of mankind becomes a history of the growth of the political ideas and ideals which animate the constitutions. Kant's formula for a rational interpretation of history, therefore, calls for the systematic and purposeful study of political ideas as reflected in political structures and processes. Such an interpretation may be termed for convenience a political interpretation of history.

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Of all the political interpretations of history which have been inspired by the Kantian hypothesis, the most important is that of Hegel. The Hegelian conception of the history of mankind as a record of the gradual broadening and deepening of the idea of liberty is the grandest in the history of political philosophy. But Hegel's idea of liberty was conditioned by the circumstances and the temper of his time. With one eye doubtless on the fundamental verities, but with the other on the king of Prussia, he reached a conclusion which was better suited to gratify the pride of patriotic Germans than to satisfy the needs of dispassionate political thinkers. The resulting discredit of the Hegelian interpretation of history tended to depress the value of the Kantian hypothesis itself.

We Americans, without devoting much attention to philosophical interpretations of history, have always cherished our faith in the independent power of political ideas and ideals. The democratic-republican creed, if I may so describe the traditional principles of American politics, emphasizes the importance of securing the blessings of liberty. But we reject the Hegelian idea of liberty as too narrow and too negative. We doubt if there can be any satisfactory definition of liberty except in terms of some more positive concept. The idea of liberty seems to us to be closely associated with that of justice. We prefer to define it as the absence of political restraints upon personal behavior except those imposed by just laws. We identify justice with the interest of the whole body of people. We believe that a reasoned and settled determination to establish justice, and thereby also to secure the blessings of liberty, has been one of the active forces in building the American Commonwealth. For democratic-republican Americans, therefore, it is not difficult to believe further that a philosophical attempt to work out the universal history of the world with the aid of the clue furnished by Kant may eventually succeed in giving it a rational meaning in terms of a gradual broadening and deepening of mankind's natural sense of justice. Abroad, however, doubt on the part of professional students of politics that an acceptable interpretation of history could be achieved by the method of Hegel helped to clear the way for the favorite theory of a large part of the contemporary world, the economic interpretation of history.

The most recent statement of the economic interpretation of history comes from the skillful pen of the leading political theorist of the British Labor party, Harold J. Laski. No advocate of the

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Marxist political philosophy can be expected to make out a better case than Professor Laski in his latest two volumes, *The State in Theory and Practice*, and *The Rise of European Liberalism*. Laski is not unmindful of criticism which has been directed against the Marxist philosophy of history. He is much too intelligent to argue that the selfish desire for personal gain on the part of members of governments affords an adequate clue to public policy, or even that the use of power is always governed by the private advantage of the economic class which dominates the state. He admits that statesmen may be sincere in their belief that they employ the authority of the state for the highest ends they know. He contends merely that what the rulers of the state can know and desire is conditioned by the economic relationships which the state, he thinks, exists in order to maintain; that these relationships give birth to an appropriate body of ideals; and that these ideals possess political validity because of their supposed power, as Laski puts it, "to maximize the possibilities of production." History, he concedes, is meaningless when read as nothing but a struggle between conflicting selfish interests. So to regard it, he insists, "is to defame the quality of human nature."[1] History, he believes, is rather the record of the competition of ideals for survival, the character of which is determined by their power to exploit productive possibilities in the existing economic order. In other words, the latest and most refined version of the economic interpretation of history clothes the naked facts of the class struggle in the splendid raiment of triumphant ideals. These ideals remain, nevertheless, nothing more than rationalizations of economic interests.

A preliminary answer to such an interpretation of history is to match it against another which offers a conflicting interpretation of the same phenomena. For this purpose, Pareto's psychological interpretation of history comes conveniently to hand. Instead of rationalizations, Pareto offers us residues and derivations. The terms are not inconvenient, though hardly self-explanatory. Derivations, according to Pareto, are the ideas and ideals which may be advanced by those concerned to explain and justify their behavior. Political ideas and ideals, he concedes, may spring from attempts to justify rational interests in the economic order. They are more likely, he argues, to spring from attempts to justify the persistent feelings and sentiments which, when manifested as political behavior, he pedantically calls residues. Upon these residues and deri-

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vations Pareto relies as heavily in developing his philosophy of history as Laski upon his rationalizations. The Liberalism of the eighteenth and nineteenth centuries, for example, began, according to Laski, as a method of emancipating the rising capitalist class, and changed after 1789 into a method of disciplining the modern industrial proletariat. According to Pareto, this same Liberalism may have been merely an ingenious device for aiding the natural leaders of a changing world to win the new struggle for power and then to hold their gains. From this point of view, Laski's capitalists and proletarians are but the specific modern forms of the élite and the masses, into which, according to Pareto, mankind is universally divided.

It is not necessary for the advocate of a political interpretation of history to argue that both Laski and Pareto are wrong. Indeed it may be conceded that each has grasped a portion of the truth concerning the interpretation of history. But if each is partly right, neither is likely to be wholly right. Whether rationalizations or derivations are the more important factors in modern politics is a matter concerning which much can be said. The fascist triumphs and communist humiliations in recent years suggest that the derivations have been more potent than the rationalizations. Even the greatest of the communist triumphs, the successful establishment of the Soviet Union, a devotee of Pareto's interpretation of history would probably say, was a vindication rather of the Paretian than of the Marxist technique. Be that as it may, it is clear that communist as well as fascist leaders can exploit the residues of the mob. They too can qualify for places among the élite in lands where the masses seem to be far from ready for a genuine dictatorship of the proletariat. Pareto's *Mind and Society* is not only a practical working manual for demagogues; it is an effective rejoinder to the more extravagant claims of the historical materialists.

All that is contended for the political interpretation of history is that political ideas and ideals may be something more than either rationalizations or derivations. They may be natural inspirations, exerting an independent influence upon the course of events. It is, of course, obvious, that many political ideas depend upon the special interests of those who come to believe them or serve the private ends of those who exploit their belief by others. But it has never been shown that all political ideas belong wholly

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to these two categories. It probably cannot be shown that all so belong. This probability is enough for the advocate of the political interpretation of history. He will never rest content with the view that political ideas and ideals are nothing but rationalizations and derivations.

The advocate of the political interpretation of history knows that a satisfactory interpretation of history cannot be based upon any simple formula. Teggart has exposed the speciousness of some of the most plausible of the simple formulae of the past. Toynbee and Alfred Weber have made clear the enormous complexity of historical processes. Amidst the variety of interpretations which possess some measure of validity, there is abundant room for a political interpretation. Scholars who still persist in the search for a rational interpretation of history need not hesitate to go back to Kant, and to conclude with him that a philosophical attempt to work out the universal history of the world according to the plan of nature in its aim at a perfect civil state must be regarded as possible, and as even capable of helping forward the purpose of nature.

Belief in the political interpretation of history does not require the unqualified rejection of economic and psychological interpretations. It is possible to agree with Charles A. Beard that there is an economic basis of politics. It is possible also to agree with Charles E. Merriam that there is a psychological basis of politics. It is essential to believe merely that there is a political basis of politics as well, and that the existence of a political basis of politics involves the possibility of a political interpretation of history. In other words, political ideas, like the economic relationships by which Laski sets such great store and the persistent sentiments which give rise to what Pareto calls residues, may possess intrinsic powers of their own, enabling them by themselves alone to influence, if not altogether to determine, the policies of governments and the development of states.

The claims of the various interpretations of history may be furthur tested by trial in the court of universal history itself. The classical Roman Empire was organized by politicians and defended by soldiers, but it was administered mainly by lawyers. In the Holy Roman Empire, however, at least during its greatest centuries, lawyers were relegated to a minor rôle, and the leading parts in the administration of imperial affairs were taken by priests.

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Modern Marxists, aided by the solid advantages of hind-sight as well as by the Marxist dialectic, can offer a plausible explanation of the preference for a legal education in the training of civil servants in ancient Rome and for more attention to theology in training for the public service in the Middle Ages. But can Marxists offer any convincing explanation in terms of their peculiar dialectic for the fact that the Chinese Empire was administered mainly by students of political ethics rather than by either lawyers or theologians? Confucianism, whatever may have been its merits as a religion, was certainly one of the most effective systems of training civil servants that any great empire has ever possessed. Whether the Confucian scholars were better prepared for the public service than the lawyers and priests of the Western world, it would be unprofitable to debate. That they were on the whole, until very recent times, well prepared for the duties they were called upon to perform, the long, if checkered, history of the Chinese Empire affords abundant evidence.

But what was there in the economic condition of the Far East under the Chow Dynasty from which some unknown precursor of the modern Marxists could have predicted that the Confucianists, and not the lawyers of whom there were then a plenty, would eventually gain the favor of the occupants of the Dragon Throne and administer the affairs of the Celestial Empire? The modes of producing wealth were doubtless not precisely the same in ancient China as in ancient Rome or in the medieval West; nor were they the same in China throughout the course of her imperial history. Yet did not the Chinese Empire continue through many vicissitudes to be administered predominantly by Confucian scholars? It is impossible to escape the conclusion that the political and ethical ideas, taught by the Confucianists, constituted one of the bases of politics, independent of economic relationships and sentimental residues, and that the general acceptance of the Confucian political ethics in China explains in no inconsiderable measure the development of the Chinese Empire. By the same process of reasoning, we may conclude also that legal and religious ideas have played a more independent part in the development of Western institutions than Marxists and Paretians are willing to admit.

The objection may be raised to the political interpretation of history that it does not enable us to know in advance the course of human events. Laski, for instance, in his plea for the economic

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interpretation of history, makes a great deal of this objection. Referring to some of the rival philosophies of history, he declares that "the trouble with all such theories is a simple one. They do not enable us to predict the probable future of events. They leave us blindfold before our fate." The Marxist theory, as understood by Laski, presumably avoids this trouble. The head of the Marx-Engels-Lenin Institute at Moscow, Comrade Adoratsky, is of the same opinion. In a recent exposition of the theoretical foundation of Marxism-Leninism, he quotes with warm approval the observation of Engels that "Marxism is not a dogma, but a guide to action." As a guide to action, the course of events since 1848 enables us to take its measure. Before condemning the political interpretation of history, therefore, for its alleged defective powers of prediction, it may be well to inquire how accurately the Marxists have been able to predict. In fact, the record of their miscalculations is well known. One illustration of their incapacity to predict will suffice—an illustration taken from the experience of Marx himself in attempting to grasp the meaning of one of the most sensational events of his own time.

During the years when Marx was earning a precarious living by writing European correspondence for the New York *Tribune,* the center of the political stage in the Far East was held by the sanguinary Taiping rebellion. On June 14, 1853, shortly after the Taiping rebels reached the peak of their power by the conquest of Nanking, the *Tribune* published an article in which Marx read the lesson of the rebellion for the people of the West. "Now England," he wrote, "having brought about the Revolution in China" (that is, as he believed, by forcing opium on the Chinese), "the question is, how the revolution will in time react on England, and through England on Europe." His answer to his own question was as follows: "It may safely be augured that the Chinese revolution will throw the spark into the overloaded mine of the present industrial system and cause the explosion of the long prepared general crisis, which spreading abroad will be closely followed by political revolutions on the Continent." That fatuous prediction was written over eighty-three years ago. Again, only ten years ago, Marx's spiritual heir, Trotsky, was equally confident that another Chinese revolution, then in progress, would cause the long overdue explosion in the "overloaded mine" of the capitalist system. But the revolution of the Kuomintang, like the Taiping rebellion, has run a very dif-

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ferent course from what was predicted by the Marxists. As a guide to action, the orthodox dialectical materialism has been thoroughly tried and found wanting.

If it were true that the political interpretation of history affords only an uncertain guide to the future, it would not on that ground be more objectionable than other interpretations. But the question may fairly be raised, Is it desirable that men should be urged to believe that they can predict the course of future events? Consider, for example, the present plight of the communists, who have been taught to have faith in their powers of prediction. They have persuaded themselves that a dictatorship of the proletariat is inevitable. The fascists, on the other hand, while repudiating the notion that the basis of politics is exclusively or even mainly economic, appear eager to spread the opinion that the peoples of modern states must choose between the dictatorship of the poor under the leadership of the communists and that of the strong under their own natural leaders. Holding, as the fascists do, that there is a psychological as well as an economic interpretation of history, they wilfully believe that strong men can be the masters of their fate. This belief is one of the important causes of the momentary success of fascism in its struggle with communism for power. The fascist is confident that men can choose between communism and fascism, and consequently strives to bring about what he thinks is the proper choice. The genuine Marxist, on the contrary, assumes that in the long run the circumstances make the choice for the man, and, finding himself apparently on the losing side, concludes that he has been mistaken in his analysis of the situation. Thus, fatalism under adverse circumstances becomes defeatism, and power passes to the more vigorous leadership of the fascists.

It is not only fascists, however, who can profit by the faith in man's practical capacity to make a real choice. Democratic Republicans also, armed with a political philosophy which holds that accredited ideas, as well as vested interests and persistent sentiments, may be mighty for good or for evil, may believe both in human capacity to choose and in a wider range of choice than either communists or fascists. It is not the power of prediction, but the power to inspire faith in one's self and one's associates, that makes a political philosophy a vital factor in the course of events. A political philosophy which emphasizes the independent force of political ideas and ideals possesses that power. It puts formidable obstacles

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in the path of those who would discourage the taking of thought for the improvement of human relations by urging the inevitable failure of all but one of the possible courses of political action.

Democratic Republicans are not blind to the signs of the times. They can see that modern methods of producing wealth are changing the structure of economic society and tend to bring about corresponding changes in the dominant ideas of sound public policy. They can understand how the profound modifications of the competitive system now visibly taking place compel the abandonment of the time-honored principle of *laissez faire* as the cardinal maxim of enlightened statesmanship. They may even concede that, since there is an economic basis of politics, there must be some alterations in the processes of government and in the structure of the state itself. It is clear that in the years ahead the sharper differentiation of economic classes and disturbances in their relative strength, like the unequal growth of different sections of the country in the nineteenth century, must have important effects on the course of American politics.

But it is very far from clear that Democratic Republicanism must inevitably succumb in the coming struggle for power. The division of the peoples of modern states into two economic or political classes does not exhaust the possibilities of classification in modern society. There are middle classes as well as upper and lower classes. The middle classes can believe in the possibility of rejecting both the policy of proletarian dictatorship and that of a dictatorship of the élite. They can believe further in the possibility of rejecting the economic individualism of the age that is passing away, without sacrificing also their democratic-republican principles of politics. The fates of American constitutional government and of *laissez faire* economics are not inextricably bound up together. Collectivism in its various forms presents possibilities for economic and political programs from which Democratic Republicans as well as communists and fascists can choose. Those who believe that political ideas constitute one of the independent bases of politics may well believe also in the practicability of such a choice and in the mission of the middle classes to maintain freedom to choose.

These considerations lead to the condemnation of all theories of politics which divide mankind into two sharply differentiated classes, whether superciliously termed the élite and the masses

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or harshly called exploiters and exploited. There seems to be a tacit conspiracy between those who believe in an unqualified economic interpretation of history and those who intend to profit by that belief on the part of others without accepting it for themselves, to force the rest of mankind to choose between their two types of leadership. Professional students of politics will not be stampeded by any such conspiracy. They do not believe in the necessity for any such choice. There is no such simple dichotomy of the body politic. The classes into which the peoples of modern states may be divided are more numerous, less clearly defined, and more interdependent. The various theories of class struggle, whether advanced by communists or by fascists, make too little allowance for the observable facts of social and political classification. Above all, they make too little allowance for the existence and the power of the middle classes.

It is one of the great merits of a belief in the intrinsic power of political ideas and ideals—under the existing conditions, perhaps its greatest merit—that the classes which are most likely to gain strength through their faith in suitable political ideas and ideals are the middle classes. These are the classes which give character to modern states. By their nature and situation, they are clearly destined to be the guardians of rational ideals of justice and liberty. They are the classes which naturally find the greatest harmony between their own special interests and the general interests of the community to which they belong. Their political ideas and ideals are most likely to be what may fairly be called the democratic-republican ideas and ideals. The political philosophy which most promotes the strength of the middle classes constitutes, therefore, one of the best guarantees that Democratic-Republicanism will continue to flourish. The proper basis of such a political philosophy is a political interpretation of history.

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THE PRELUDE TO AUTHORITY

FRANCIS G. WILSON
University of Washington

Crises in political synthesis are not without precedent. They must have occurred from time to time since the emergence of coherent political society. Indeed, any sharp divergence between commonly accepted ethical standards and temporal conditions is likely to produce a crisis in régimes. The last great debate in the West on the destiny of politics occurred in the later years of the eighteenth and the early part of the nineteenth centuries. The issue was formulated in terms of the basis of authority, just as it is at the present time. At that time, liberalism, with its uncertain conception of political organization, faced the old and tried historical authorities founded on the feudal and the divine conceptions of earthly power. Such men as Edmund Burke, von Haller, and the thinkers of the German historical school fought their losing battle against the tides in liberalism which seemed to them most pernicious. The new capitalism gathered into its fold the hunger for liberty and for the destruction of the arbitrary in government, but our crisis today rests on the fact that this capitalism and its multitudinous social implications are, in the minds of many, becoming unequal to the task of running the world as it is. As then, we turn to the past and defend the old, which is today the liberal system, and some even refuse to admit that there is any crisis at all. Yet to great numbers of men the historic conception of justice is no answer, and if they turn to history, they fail to see any light to guide them in the actuality of the hour. The old sources of inspiration become pale in the brilliant illumination of new anarchy of mind and system. Rationalism has retreated gracefully before the impact of psychology—both normal and abnormal—and in the breach has appeared the virile but barbarian doctrine of power and the pragmatic principle that history is objectively neither right nor wrong but success and failure.[1] It means that the old foundations of authority are left without loyalty. The ancient façades of power often become ugly and helpless when approached from behind.

[1] See Lord Acton, *The History of Freedom and Other Essays*, ed. by Figgis and Laurence (London, 1909), pp. 212ff., for his famous essay on Machiavelli and his influence in history.

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The debate on the state in history, which is its crisis from the intellectual rather than the objective point of view, brings together again the old antagonists. And revolution as a process consists in the broader revaluation of men and standards of existence. Dialectic materialism offers a coherent and compelling answer to the riddle of how things come to be; it not only is a material and concrete answer, but it claims to be scientific as well.[2] An equally material solution appears in the theory of race as the foundation of culture; history makes its great turns around the biological fact of whether or not the creative race has destiny in charge. Again, the basis of the sweep of history is sought in the scientific fact of the cycle of cultural development which includes within it both the systems of production and exchange and race in so far as the latter is admitted in a purely biological sense. Or, history alone may be appealed to in order to demonstrate the organicity of the nation which time has generated. Religion in its place seeks authority and the meaning of events in time through the sovereignty of spiritual values and the hunger of men after the monistic significance of the All. The state itself becomes like a bobbing cork on a great and confused sea of intellectual anarchy. But whatever the interpretation of history, each can tell the individual the nearest approach that is possible to the long-desired human happiness. Removed from the trodden field of conflict, there is still the believer in the capacity of men to understand and use intelligently the fruit of science.

Thus we are all constrained to admit that there is a crisis in the economic, political, and social foundations of society. The world is "full of new wine." There is hardly a group of persons today with any clear consciousness of their own interests or desires who do not feel that the worldly pillars that support them are weakening. In every strata of social perception there is a feeling that the future is big with destruction and perhaps social crime. But this may be a passing sickness of the Western mind. It is possibly true that crisis is, after all, simply an illusion which blinds us to the long-range fecundity of our culture. Yet many affirm that there is a crisis in the state; that there is a crisis of régimes and alternative forms; that there is anarchy in human ideology; and that the new science of "totalology" has little more coherence at the moment than crumbling democracy.

[2] For a good short account of dialectic materialism, see Sidney Hook, "Materialism," in the *Encyclopaedia of the Social Sciences.*

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There are today few old-fashioned integral defenders of democracy as it is.[3] Some may say that democracy has never been tried, but this is much the same as to say that Christianity has never been applied, since men have not reached its theoretical perfection. Democracy must work with the materials that nature offers, that is, human beings with all their intellectual maladies in the conditions of an environment. Most thinkers admit that some changes must be made if democracy is to survive, and one solution which seems to be gaining more adherents than the others is that some elements of fascist organization and authority must be carried over into democratic liberalism. With this goes the further proposition that the Western principles of civil and political liberty must not be endangered. We must have, therefore, authority in the economic and social realms, but we must also retain intellectual freedom, or even moral anarchy.

This means that as a preliminary to the discussion of the creation of the future democratic authoritarianism we must reëxamine the issue of civil and political liberty. Especially must we consider civil liberty, since the status of political freedom depends almost entirely on the answer to this phase of the question. In this gradual reconsideration, many immortal words may not continue to appear so lasting as they once did. Milton's historic ejaculation, "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties," does not inspire the mind as it once did. Psychological and biological materialism have brought about this result with a startling degree of effectiveness. It has been suggested that one of the primary causes of the decline of Europe and the increasing weakness of Europeans *vis-à-vis* the rest of the world is the continuous acceptance of the notion of individual freedom, even though the single personality may not do anything worth while with his liberty.[4] On the other hand, the question of civil liberty is one of the most fundamental in contemporary discussion. There may be information available in the future which will show that liberty is not nearly so essential to the progress of culture as the die-hard liberals have asserted. Likewise, the solution of this question in any direction, either for or against liberty, has the broadest social implications, and we may suggest that one of the most critical phases of the discussion is whether it is possible to

[3] See E. M. Sait, *Democracy* (New York, 1929), *passim*.

[4] See Wyndham Lewis, *The Art of Being Ruled* (New York and London, 1936), pp. 117ff.

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organize and discipline the complex technological society on the economic side without at the same time taking the totalitarian implication that if this is done intellectual anarchy is impossible.[5]

The contemporary solution of the issue from the democratic point of view is that, while we must have authority, it is also possible and desirable to retain liberty in the older liberal interpretation. Let us combine the planning elements of communism with the authoritarian elements of fascism and graft them on the great residual intellectual freedom of the liberal system. This will enable a modified democracy to survive and to prosper; it will be a middle of the road solution of the economic issue of the present. It will solve the question of both liberty and authority, about which so much blood and ink have been spilled during the centuries. To the communist, of course, any sign of vitality in democracy is called fascism, and the left-wing attitude brands this suggestion as nothing less than the surreptitious introduction of fascism.[6] One can hardly say that the tradition of liberty is an impregnable fort; we must admit that it is entirely possible that the liberty-loving Anglo-Saxons may become indifferent to this magistral value. The least that can be said is that the functional significance of civil liberty is a question, and that it does little good to evade the problem or to hide behind a cloud of unviable tradition. Nor can one deny that this question is closely related to a second issue of no less importance, the functional value of violence in the course of politics. The solution of the first question in one way or another throws considerable light on the answer that may be given to the second.

It is not conclusive, according to the liberals, to argue that civil liberty has not lived up to the promise attributed to it in the seven-

[5] See Baron Joseph Eötvös, *Der Einfluss der Herrschenden Ideen der 19. Jahrhunderts auf den Staat* (Leipzig, 1854), Erster Teil, p. 47: "Das Prinzip absoluter Gleichheit kann nur durch eine absolute Staatsform realisiert werden, ob man diesen Absolutismus durch eine immer wieder neu vom Volke ausgehende Gewalt oder durch die auf einmalige Uebertretung der absoluten Gewalt des Volkes an einem Individuum oder eine Körperschaft ausgeübt werde, ob nur die Despotie im Gewande des Communismus oder in jener Formen auftrete. . . " According to Spengler, "effective communism is authoritative bureaucracy." Oswald Spengler, *The Hour of Decision*, trans. from the German (New York, 1934), p. 129.

[6] The communist denies that there is any real freedom in capitalist society for those who are not part of the exploiting group. Since the class struggle is the irreconcilable conflict of divergent points of view, there is no difficulty in the denial of freedom to the capitalistic oppressors once the proletariat has assumed power. See N. Lenin, *The State and Revolution* (London, 1919), p. 91.

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teenth and eighteenth centuries. Civil liberty must have an evolving rather than an immutable setting, and it is entirely plausible that at one time its value will be greater than at another. Some types of men may be more able to use to their own and the advantage of society the liberty to speak and write; while others may become simply a general nuisance. In the first place, the great argument, Miltonic in scope and architectonic in implication, that free discussion is the gateway to truth is held in less reverence than formerly. Discussion may, as a matter of fact, serve more to consolidate prejudice rather than to dissolve it. The centuries of burning debate on the character of Catholicism and Protestantism is a striking illustration of this failure, as well as the long-run contention that justice and equity must and will win out in the competition of ideas. Much depends on the level of discussion, and the level attained depends likewise on the type of individual doing the discussing. But in the face of modern materialism, and the widely accepted proposition that man is in large measure a determined part of nature, men think less than formerly of the vitality of *free* discussion; in fact, there may not be such a thing as this type of examination. Discussion has not been associated with specialized competence or with any standards of selection.[7]

A very real phase of this question is whether scientific advance requires the freedom postulated in the days of religious controversy. The advance of science in Russia and some cultural levels maintained in authoritarian states might indicate that the old-fashioned freedom is not as fundamental as many have assumed. Certainly it can hardly be argued that freedom has actually provided the solution of the most critical issue of social organization. The economic organization of the world may, in fact, have been injured and disrupted because of the influence exercised on politics by the masses who have the electoral power to choose demagogues as well as the right to talk *ad infinitum* about questions concerning

[7] See José Ortega y Gasset, *The Revolt of the Masses*, trans. from the Spanish (New York, 1932); Irving Babbitt, *Democracy and Leadership* (Boston, 1924). Civil liberty as an ideal loses much of its value if one rejects the rationalistic assumption that man is a creature with inherent and reasonable rights. To assume at least in part that man is a factor of objective historical circumstances denies the basic foundations of the conception of freedom. See Georges Sorel, *Reflections on Violence*, trans. from the French (London, 1914), p. 116, for the statement that before the democratic era it was held that the state was good and wise and hence it was a crime to hinder it, while under liberalism it has been believed that the free citizen makes the better choice.

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which they know little. Science is somewhat impersonal; it serves war as well as peace; the criminal as well as the forthright citizen; it heaps its benefits upon the intelligent and the unintelligent. It is like the dew of heaven which falls on all alike. There is, therefore, not much evidence to indicate that the denial of civil liberties in the interest of a broader and more integrated social authority is a thrust at the vitals of *Naturwissenschaft*. In any case, it is hardly necessary that all should have freedom in order that the few creative minds may function effectively. To some, democratic experience indicates, if anything, that the popular distrust of the superior mind or the critical intellect is a hindrance to attainment in either social or natural science.

Has the assurance of civil and political freedom prevented the abuse of authority? That such would be the case has been one of the fundamental arguments for the freedom of the incompetent and the unintelligent. When we regard carefully the present situation of the world, the objective fact emerges that the freedom of many social groups has been lost totally or in part; arbitrary though purposive government has flourished latterly as the proverbial green bay tree. Something more than mere assertion is necessary to prove that liberty can prevent the resurgence of tyranny; in fact, it can be argued, as has been not infrequently suggested, that tyranny grows out of liberty. The more the liberty, the greater the aberration and the more the probability of that common result of perverted liberty—the social dictatorship and the authoritarian government. Free opinion may support as well as check authority. Inherently, there does not seem to be in the mere granting of liberty any necessary correlation between civil liberty and a lack of authoritarianism. We have discovered the prevalence of the manipulation of opinion, until it may be suggested that in order to protect liberty other devices than mere mass freedom will have to be established. The force of civil liberty in checking power is wholly relative to a considerable number of other factors. A multitude of men who are unconsciously tired of liberty, and who desire or respond to arbitrary leadership where the minority is concerned, is no guaranty against the abuse of power.[8]

[8] See, in general, Walter J. Shepard, "Democracy in Transition," in this REVIEW, Vol. 29, pp. 1ff. (1935). It should not be forgotten that liberty in the eighteenth century served a revolutionary purpose—the assurance of freedom to those who worked to destroy the order of society as it existed. Perhaps many of those today who cry most loudly for civil freedom would be among those who would most

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In the materialistic and technological age in which we live, the abstract argument for civil liberties as natural rights with no regard for functionalism carries little weight. We want to know today what purpose a right serves, and in this we are pragmatic and utilitarian. We want to know, not only whether people are happier because of the assurance of a right, but whether the conceded right is doing the mass of men any good. The abstract argument for the liberty of men is necessarily not based on experience; it is an ideology in the purest sense of the word. It is possible to argue that even if democracy and rights are ineffective in meeting the modern problems of government, they should be preserved; but not many today are willing to stake their future on such a proposition. If the abstract conception of the natural right to civil liberties is dropped, we are necessarily forced back upon a pragmatic relativism which may or may not be friendly toward the further continuance of given areas of freedom.[9]

The objective liberty to think and speak has been defended not infrequently on the Spinozean proposition that the state cannot destroy liberty. This depends in large measure on the state and the régime. Certainly, the liberal state is less competent than the communist in directing the thinking of the people. But what we know of the mechanical and physiological foundations of thinking lends less and less support to the old attitude of Spinoza and his like. It is becoming more and more possible to control in the long run the verbal and conceptual environment of the individual. The state that is highly ordered, the modern capitalistic or educational state, does direct the thought content of the average man; objectively, his liberty is limited and his speech is thus secondarily controlled with but a small display of terroristic coercion. The intellectual homogeneity of whole peoples proves the possibility of con-

abuse their power should they attain their ends. To Spengler, for instance, liberty is the means used by nihilism to level society. Cf. Oswald Spengler, *The Hour of Decision*, trans. from the German (New York, 1934), pp. 106ff.

[9] Civil and political freedom has been associated with the rise to power of the bourgeoisie. Public opinion is a force which sprang logically from the universalism of middle-class conceptions. In turn, the decline of bourgeois influence has the broadest implication as the decline of civil liberty and the belief in the generic idea of public opinion. Cf. Reinhold Niebuhr, *Reflections on the End of an Era* (New York, 1934), *passim*. With Pareto, it may be suggested that a critical semi-revolutionary literature weakens the decadent *élite* more than it strengthens the outsiders. The attack on the bourgeoisie today may, therefore, be debilitating to middle-class interests rather than a tonic to the proletariat. See Vilfredo Pareto, *Les Systèmes socialistes* (2nd ed., Paris, 1926), Vol. 2, pp. 36–37.

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trolling what is within the mind of the individual. Likewise, the state that has a definite conception of its moral foundations has a clear interest in what is going on within the mind of the citizen. This interest, so patent in contemporary thought, will no doubt bring about the development of means whereby a closer supervision of mental content can be guaranteed.[10] What we must admit is that within certain limits the state is competent to control the patterns of thought. Not a great deal of this, of course, is through rational means; rather, it is the fundamental technique described by Graham Wallas in *Human Nature in Politics* and by his followers. It is the exploitation of the infra-rational levels of the mind, in which emotions are grouped and stimulated for political purposes. The new technique of controlling through state action what is within the mind will concentrate more and more upon the experimental psychology of the habitual and emotional reaction.[11]

Where the state is able to limit objectively the freedom of individuals to think, act, and speak with real freedom, the argument from the viewpoint of the nature of the state breaks down. It becomes a question not of power but of policy. We must remember here that civil liberty and the general right to be wrong or different from the rest of men touches in fact the minority, and in most cases only a small one at that. The very attempt at suppression of nuisance thinking and pernicious propaganda suggests the mass movement, and this implies a limited minority. A group that is less than fifty per cent is not infrequently so uncertain of its own points of view that it can offer no resistance to the strong assertion of public policy. It is the numerically weak but militant minority which fights with stubbornness the program of suppression. Short

[10] The development of youth organizations in Russia, Italy, and Germany is ample evidence of the effort toward revaluation of political and social thinking. No one seems to deny the effectiveness of these devices in controlling what the rising generation is going to think. See, for example, H. W. Schneider and S. B. Clough, *Making Fascists* (Chicago, 1929). W. E. Hocking, *Man and the State* (New Haven, 1926), p. 160, stresses the internal character of the moral impact of the state on the individual. The state is not external only, as the idealists urged, for "to say that the state has no concern with the motives of action, whether of crime or of obedience would appear to be as untrue to fact as to say that a captain would have no concern whether the deference of the members of his company was sincere, so long as the military forms were observed." Hocking notes (*loc. cit.*) that those who make the state purely external fail to show how external conditions promote morality at all. See *ibid.*, pp. 95–96, 157ff.

[11] Cf. C. E. Merriam, *Political Power* (New York and London, 1934), p. 183. He states: "Embedded in the poverty of power lies much of the liberty of the world, safe from the hand of the aggressor who would take it away."

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of physical annihilation, the state has not been able to dispose of such groups; but there are many ways of controlling and limiting the effectiveness of these individuals. The mere fact that the state is on its guard against them weakens their power in those critical junctures when they might exercise a disproportionate influence. It is certainly true that in liberal philosophy there is no clear delimitation of the boundary between liberty and authority. Even in the most thoroughgoing liberalism, the freedom of the individual is a relative and somewhat pragmatic affair.

However, we cannot escape the fact that the liberal attitude toward liberty tends to preserve some of it, in that the democratic spirit is against unnecessary encroachments upon the intellectual life of the citizen. The liberal believes in liberty as a principle, and this exerts a constant check on the tendency to expand the supervision of the state. While public education may be organized so that certain patriotic or civic values are presented and ground into the minds of children, the principle of control on matters of policy extends little beyond this so long as differences of opinion fall within the framework of the existing society. In contrast with this, however, the logic of totalitarianism is imperialistic. Totalitarianism signifies control, and it tends to expand if the social foundations of such a movement are present. The authoritarian state, by its own internal motivation, tends to spread the state into the interstices of the primary social agencies. All fields of human activity are potentially subject to the regulation of the community, though there will never be a dialectically perfect absolute or authoritarian state. All of the aspects of social existence must move to the official intonations of the state philosophy.[12] This control extends naturally to what the people are thinking and to what they say. It extends always to the regulation of what they may hear and read, that is, to the radio broadcaster and the publisher of books and newspapers.

The democratic epic has held that the long human effort to find some solution between the conflicting forces of liberty and au-

[12] This is true even of liberalism where liberty is a fundamental principle. Any group in a liberal society which denies the principle of liberty may be, logically, suppressed by the state. It has been suggested, for instance, that if democracy fights it can save itself from authoritarian movements (such as fascism and communism). This means, in short, the suppression of freedom of speech and political activity of certain types, as in the Netherlands, Czechoslovakia, and the Scandinavian countries. Cf. Karl Loewenstein, "Autocracy versus Democracy in Contemporary Europe," in this REVIEW, Vol. 29, p. 593 (August, 1935).

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thority was rewarded in the discovery of the universal formulae of liberalism. It is a basic criticism of liberalism and democratic government to suggest even that these liberal principles are limited as to time and as to applicability in space or social *milieu*. Half the battle for authoritarianism is won if we say that freedom is a relative and historical question, and that the lessons of the past in the fight for liberty (or social integration and control) may have little significance to the present or the future. We must recognize that the type of issue which is agitating the human mind is of vast importance in the question of intellectual and moral freedom. Some issues breed quickly and inevitably the spirit of intolerance and belief in the necessity of suppression, although this is not to say that the same issues will produce by any means the same results in all historical epochs. Tolerance and civil liberty are factors of the degree of conflict. Suppression requires energy and arbitrariness; it is in fact much more easy to tolerate than to suppress. Likewise, the intense issue of one age assumes a higher level of emotional flexibility in another. We tolerate today the same (and more) religious differences which in the sixteenth and seventeenth centuries led to wars and the sentencing of heretics. The misery of the disadvantaged groups is now a question for the whole of society; and the greatest subversive force in the modern world is the Marxian view which holds the perfectibilitarian thesis of an ultimate society in which inequality will rest on the principle: "From each according to his ability; to each according to his needs."[13] What we do know is that social and political uncertainty creates the atmosphere in which intolerance and suppression are regarded as logically and ethically necessary.[14]

[13] J. L. Gray, "Karl Marx and Social Philosophy," in F. J. C. Hearnshaw (ed.), *The Social and Political Ideas of Some Representative Thinkers of the Victorian Age* (London, 1933), pp. 116ff. Norman Wilde, in *The Ethical Basis of the State* (Princeton, 1924), pp. 6–7, remarks that "hardly has the religious conscience ceased from troubling than the State has had to meet a new rival for power, the struggle with which promises to surpass all others in seriousness." This new competition is industry and the issue of economic justice.

[14] At the present time, the debate on the question of property arouses more passion than that on any other theme. Because of this, any attack on the system of possession tends to be pushed beyond the frontiers of liberalism. Socialism's position in the democratic fold is, therefore, uncertain at best. If liberty is a function of security, the present insecurity or that involved in economic reorganization naturally minimizes the importance of liberty. When used for revolutionary purposes, democracy ceases in short order to be democracy. Socialism can hardly be satisfied with the reforms which planned economy will sanction, since reform usually stops at the limit beyond which further concession means the destruction of the system.

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In the long run, one's attitude on civil freedom depends in large measure on the accepted interpretation of the process of history. Liberty is associated most validly with individualism, and this implies that law is ultimately spiritual and inward. Religion, therefore, may be said to complete its dialectical cycle in the postulation of spiritual liberty rather than in the suppression of the inward vagary. Truth may be objective as to the individual, since a series of historical events may be the concrete fruition of the scheme of salvation; but even so, the principle of religious living must be individual conviction and acceptance of truth. The fact that the state is formally an external and administrative institution, and that it bears by indirection constantly upon what the individual may think and believe, is the more profound reason for the historical fact of steady conflict between virile religions and strong states. Regardless of the social implications of religion, it must be happiest in those societies which are least authoritarian and most individualistic. The very circumstance that a great religion must try to live the fact that the most real forces in history are spiritual rather than material leads it to assert, at least in some form, the principle of religious liberty.[15]

Most other interpretations of the historical process attach themselves to some variety of materialism (or perhaps an Hegelian identification between the rational and real), and this drives *per se* to an acceptance of the principle of control over human beings. The test, even in rationalism, of proper conduct tends to be in practice a functional aspect of external conduct. If we believe with the National Socialists that race is the fundamental factor in the historical process, this is objective as to the so-called spiritual freedom of the individual; there is here no serious limitation on the function of the state in the preservation of that which accounts for the rise and fall of nations, states, and cultures. The end of community existence is postulated simply on higher or different levels from that of liberty from an individualistic point of view.

It is reasonable to assume that the planned society must suppress, or tend to, those who are farther to the left. See H. J. Laski, *The State in Theory and Practice* (New York, 1935), pp. 245, 251, 284, 289.

[15] According to Proudhon, Luther's thought is the first authentic negation of authority, and it was in fact a plea for the authority of reason. What is reason?, asks Proudhon. He answers by saying, "un pacte entre l'intuition et l'expérience." P.-J. Proudhon, *Oeuvres complètes: Idée générale de la Révolution aux XIX^e siècle*, nouvelle edition (Paris, 1923), p. 186.

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Let one assume that the primary factor in history is the rise, growth, and decay of a culture, and that history is made by specific cultures as they move along their arc of organicity, then again the material fact of a culture in all its complexity leaves little room for the assertion of a dogmatic right to liberty. Liberty is a relative factor which is dependent for its place on a much larger and uncontrollable context. Or, if we assume that there are various forms of determinism—economic, geographic, or otherwise—civil noninterference is a small and relative factor in the total picture of the natural process. It may be argued with some plausibility that science, instead of showing the necessity of liberty, does quite the reverse. Any state, however authoritarian, can permit and encourage the development of natural science and applied technics, but the issue is really that of social science. No doubt, in the long run, social science is as blind as natural science or as the much-lyricized Goddess of Justice. Social science can serve in the ranks of totalitarianism as well as in the less dynamic social structure of liberal democracy.

In fine, an attitude on the question of liberty in relation to the emergent necessity of authority in the technological age depends upon whether the liberal, rational dream will ever come true, or whether it is the function of discussion and social science to chart the functional aspects of the irrationalities which sweep the lowlands of history. If social struggle takes in a larger and more objective context, if it reaches the deep, inscrutable levels of intuitive evaluation and traditional belief, civil liberty may not be more than a passing phase of a particular aspect of Western civilization.[16] It may be regarded by later generations as the bright jewel of the high point in our culture, and it may also be concluded that civil freedom was viable only during periods of comparatively peaceful post-revolutionary reconstruction. Social science today is admittedly bound up with the post-revolutionary rationalistic cosmology. Is there any necessity of assuming that this must always be true? May not science be founded ultimately on the acceptance of human non-rationalism as well as rationalism? One

[16] H. J. C. Grierson, in *Carlyle and Hitler* (Cambridge, 1933), p. 27, declares that men want leadership, the hero, and therefore civil liberty tends to have a short and precarious history. See Vilfredo Pareto, *Les Systèmes socialistes* (2nd ed., Paris, 1926), Vol. 1, p. 301. Pareto here notes the A.D. 313 decree of Constantine and Licenius for religious toleration, but that soon the Christians began persecuting their religious opponents. There is (*ibid.*, pp. 300, 106–107) a general trend toward intolerance in mass religious movements.

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may admit that the masses have a kind of objective rationality when they accept with gratitude the benefits of technical thrusts into the future; but it is more difficult to assume that the fruits of the rare creative minds which well up with social insight or expert knowledge are heeded in the decision of matters of high policy. The scientist has now the function of telling the leaders thrown up by a particular social swell what the probable results of their policy will be; the social scientist, as for example the economist, is an interpreter of the objective social environment. The political scientist, as a realist and descendant of the great Florentine, Niccolò Machiavelli, can tell something of the broader outlines of the movements of political support and non-support. He can chart within limits the categories of human behavior, and he can indicate something of the functional limits and creativeness of will. But if social science should get beyond its historical rationalistic assumptions, it may admit in general that the mass does not respond clearly and easily to the statement of complex social values.

In a period in which democracy is seeking to create within itself more authority, and in which anti-democracy launches openly and bravely along the iron path of authoritarianism, it is probable that all will agree that ultimately society must protect the intellectual grounds of the planned society. A world state with its economic and social regimentation would not necessarily be more tolerant than a national state struggling bitterly to bend and direct the great, blind forces of economic destiny. If there is a science of world statehood, i.e., cosmopolitical social science, it must, no doubt, be protected against the barbaric incursions of counter-universalist ideology. There must be, indeed there would be, the postulation of sufficient power to protect the system of order which has become the foundation of present and future relative human happiness. A League of Nations with power to prevent war must have also the power to prevent free speech which might advocate a resort to war, perhaps as a means to relieve the melancholy tedium of a world in which there is little struggle that is not entirely sublimated. That the same is true of the national synthesis follows without question. The principle of authority is contagious, and the very attempt to create in democracy sufficient power to plan through government the economic and social organization of a people must raise the question of liberty to criticize. This is especially true, once the planning is more than mere uncoördinated legislation. Planning itself is a symptom of social conflict, and it

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is highly probable that the combination of intense social struggle with a definite conception of how society can be organized will bring in its train the limitation of liberty in even the most evangelic of liberalisms. Not only does a consciousness of decline in the vitality of a political system bring with it the circumscription of liberty to preach the unorthodox political and economic view, but also the establishment of a new régime on the ruins of the old, especially if the new system carries in it any substantial elements of authoritarianism, such as are implied in effective social planning.

Both directly and indirectly, the predominant note in the pragmatic age in which we live is the resurgence of authority. This directive in political thinking comes after a long period of somnolence in which liberalism and democracy have paid little attention to the course being taken by the creative energy of modern economic life. It is felt in widely different quarters that governmental non-interference, and even casual interference, is not enough; the connection between the government and the economic structure of a country must be intimate and synchronic. Governmental authority must be co-extensive with the social needs of a people. The use of this authority for the planning of economic and social well-being is generally accepted as a valid end of government. Outside of communism, it may be that this planning will take the form of social eclecticism, which is to say that no great and revolutionary steps will be taken in the recreation of the economic order. Law will become an instrument of authority in directing the economic life of peoples, and the chances are that law will now serve power and integration rather than liberty in the old sense of the word. Freedom will of necessity be curtailed in the economic sphere, and in other realms of activity in so far as is felt to be essential. The emergent authoritarianism of planned democracy will permit freedom within the necessities of survival, although when a new society, if ever, is established we can contemplate with confidence the restoration of freedom over more critical areas of human evaluation. Freedom is, properly, an attribute of an era of synthesis and not one of the chaos of antithesis.[17]

In communism and fascism, in the anti-democratic tide of the present, law and violence are made the supports of totalitarianism, and it must be presumed that law will emerge over and above

[17] There is not much reassurance to be drawn, however, from the economic results of authoritarianism in any country, whether Russia, Italy, or Germany. Loewenstein, *op. cit.*, pp. 591–592.

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violence only as the organization of society proceeds apace. The state is being turned over to the new governing *élites* which have been created out of the storm of political controversy and successful revolution. They are, as H. G. Wells has suggested, most like a modern Samurai, the necessary governing order in a coherent society. Governing belongs to this group, in the new theory at least, as a matter of right; the *élite* is the owner of political power and authority. In this we have the new patrimonial theory of the twentieth century; a theory in which the right of criticism is restricted within the governing group, or single dominant political party and body of superior counsellors. The essential standard of intellectual freedom and civil liberty in the new authoritarian societies is that criticism belongs to those who are competent, who by their very competence have a monopoly of the potential authority of organized society. In Russia, it has been recognized, for instance, that within the Communist party, that is, within the orthodoxy of the governing class or group, there should be freedom to criticize the directives of government.[18] Beyond this, the masses of citizens are expected to perform their functions, to fill their stations, as Bradley might say, and thereby to become an organic part of the ideal, yet non-universal and pragmatic, community.[19] In practice, the right of the governing *élite* to control the state may be little more than a mere question of power, but this is to be expected; for the power is the corporative possession of the ruling group. With von Haller, the modern patrimonial theory also holds that rulership is a question of power.[20]

Those who say we must have an organic, i.e., integrated, political society must reëxamine the question of civil and political liberty.

[18] Otto Koellreutter, in *Grundriss der Allgemeinen Staatslehre* (Tübingen, 1933), pp. 256ff., notes that education in the liberal state presumes the ultimate equality between the rulers and the ruled, and that there is no stress on authority as such. On the other hand, the authoritarian state must educate for the state and for the people. There must be a conscious creation, through education, of a governing *élite*. In *ibid.*, p. 260, he observes that there can be only a free press and a free opinion within "den Grenzen der Bindung an Volk und Staat."

[19] See H. G. Wells, *Experiment in Autobiography* (New York, 1934), pp. 691ff. An eighteenth-century view that is not dissimilar is that of the Marquis d'Argenson, who opposed the liberty to write and think, but who favored a wide range of social reforms under a regenerated monarchy and autocracy. See D. Mornet, *Les Origines intellectuelles de la Révolution française* (Paris, 1933), pp. 66–67.

[20] See Robert von Mohl, *Die Geschichte und Literatur der Staatswissenschaften* (Erlangen, 1855), Vol. 1, p. 257.

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As a half-way measure, it may be asserted that we can copy certain of the ideas of fascist or communist authoritarianism, but it must be admitted that if we integrate society economically after bitter struggle, we will not be entirely appreciative of unorthodox or radical criticism. A synthesis of the day which captures the imagination of the ordinary citizen, that becomes a matter of mass faith, is going to be defended by all the means available. The defense of a new society will be waged within and without the categories of the law; but one thing seems fairly certain, and this is that people are not going to protect civil freedom under these conditions merely for the purpose of preserving some fragments of liberty.[21] However symptomatic of the decline of democracy it may be, the prelude to the creation of the social authority deemed necessary in the modern age is the reëxamination of the principle of civil and political liberty.

In conclusion, therefore, the burden of showing that economic integration will not destroy civil and political liberty falls upon those who propose the material regimentation of human existence. It may not be unreasonable for those who see liberty as a part of a general individualistic historical context to be skeptical of the results of the destruction of economic liberty, or of the ability of the economic masters in the new order to draw the line between economic and other types of freedom. If the results of social policy do not always coincide with the formulated purpose, it may be true that a governing order based on a combination of the bureaucracy and mass support will bring authoritarian results that were hardly foreseen.

[21] Various intermediate solutions can, no doubt, be found. Señor de Madariaga has suggested, for instance, a new policy on freedom of the press. In order to attain an expression of opinion in the press that is free from the propagandist restrictions of commercial journalism, the state should financially support news organs of various shades of opinion and subsidize them in relation to the strength of their supporting movements among the citizen body. There should be no political interference, however, with the free expression of opinion. See Salvador de Madariaga, "La Liberté et l'autorité dans le monde moderne," *Revue Politique et Parlementaire*, Vol. 158, pp. 225–242 (1934). It has been said, on the other hand, that what we need is freedom from the press. If the press is assumed not to be really free, it may be that the government is just as good an agency for the control of newspapers as private corporations whose primary interest is making profit for the owners. In an individualistic society, the free press is very essential in preventing a strong program getting started. The liberal state planner must seek a solution which will combine strong leadership with the free press. See G. P. Gooch, *Dictatorship in Theory and Practice* (London, 1935), p. 44.

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THE STUDY OF ADMINISTRATION

MARSHALL E. DIMOCK
University of Chicago

It is now fifty years since Woodrow Wilson wrote his brilliant essay on public administration.[1] It is a good essay to reread every so often; there is so much in it that sounds modern, so much that will hold permanently true. "It is getting to be harder to *run* a constitution than to frame one." Was this said only yesterday? No, Woodrow Wilson clearly saw the importance of governmental administration half a century ago. "Administration is the most obvious part of government; it is government in action; it is the executive, the operative, the most visible side of government, and is of course as old as government itself." Yet democracies have badly neglected administrative principles and structural improvements. "Like a lusty child, government with us has expanded in nature and grown great in stature, but has also become awkward in movement. . . . English and American political history has been a history, not of administrative development, but of legislative oversight—not of progress in governmental organization, but of advance in law-making and political criticism. . . . We go on criticising when we ought to be creating."[2]

Political scientists owe Woodrow Wilson a debt of gratitude for opening their eyes to the broader importance and implications of administration. His keen mind also discerned the task which would occupy the attention of administrative theorists long after he was gone: "The principles on which to base a science of administration for America," he said, "must be principles which have democratic policy very much at heart." More clearly now than then, we realize that "we should not like to have had Prussia's history for the sake of having Prussia's administrative skill. . . . It is better to be untrained and free than to be servile and systematic. Still there is no denying that it would be better yet to be both free in spirit and proficient in practice."[3] Freedom and democratic effectiveness may be one and the same thing. The ends of the state can be achieved only through an efficient administrative instrument. Hence, as Woodrow Wilson correctly observed, administration is "raised very

[1] Woodrow Wilson, "The Study of Administration," *Political Science Quarterly*, Vol. 2, No. 2 (June, 1887), pp. 197–222.
[2] *Ibid.*, p. 203ff. [3] *Ibid.*, p. 207.

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far above the dull level of mere technical detail by the fact that through its greater principles it is directly connected with the lasting maxims of political wisdom, the permanent truths of political progress."[4]

Public administration is a process or a theory, not merely an accumulation of detailed facts. It is *Verwaltungslehre*. The object of administrative study should be to discover, first, what government can properly and successfully do, and secondly, how it can do these proper things with the utmost possible efficiency and at the least possible cost both of money and of energy.

Administration is generic.[5] It is a social science concept which applies to all organized group activity. Administration arises whenever organization occurs. There are common problems and processes in the household, the school, the church, the business corporation, and the vast modern state. After deciding upon objectives, means must be devised for carrying out the program. This latter process is administration. Anyone who is responsible for directing the work of others thereby becomes an administrator.

An adequate theory of society must obviously be based upon a knowledge of administration. The importance of administration is in direct ratio to the complexity of inter-personal relationships and the number and utility of joint services. The more things that are done for the individual, the greater becomes the importance of organization. Many of society's most difficult problems, such as security for the individual and uninterrupted economic progress, boil down largely to matters of proper organization.

Ours has become an "administered" society. In spite of our wishful thinking to the contrary, complexity demands organization. With the growth of large business units, our economic life is seen as one whose results depend upon good administration. "Gradually but steadily," says Gardiner Means, "great segments of economic activity have been shifted from the market place to administration." In the development of further administrative coördination, concludes Dr. Means, economists "must come to political scientists for aid. We ask that you apply to the field of economic administration the technique of analysis and principles of organization which

[4] *Ibid.*, p. 210.

[5] It is significant that instead of qualifying the term with "public" or "governmental," Woodrow Wilson wrote merely about administration.

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you have developed in the study of the state."[6] Whenever social organizations are formed, common problems of organization, leadership, control, personnel, finance, and public relations are bound to arise. It is no exaggeration to say that in the future the balance of power among social institutions, and the survival value of each, will depend upon the relative success which each attains in applying administrative principles to the increasing concentration and complexity found in all fields of activity.

Because administration is the most obvious aspect of group activity, those who are unfamiliar with it are apt to assume that executive operations are not very difficult. By the same token, the study of administration is sometimes thought to be dismal and quite lacking in important theoretical considerations. These are mistaken notions. The competence of administration sets the limits of popular rule and democratic effectiveness. The state in action comes up against the imponderables which make government the most difficult of all fields of study. The carrying out of a program depends, in the last analysis, upon citizen compliance and coöperation. For every structural problem there are three or four psychological ones. Dry-as-dust administration does not do very much; successful executive leadership requires the combination of the best directive and personal qualifications which man can supply.

Administration is both social engineering and applied psychology. It is apparatus and mechanics, incentives and human nature. Let no one think it is merely the former. Nowhere is the need for psychology greater than in the organization, direction, and inspiration of men working in large groups. Outstanding administrative results are produced by spirit, morale, atmosphere; these, in turn, are the product of psychological mainsprings and invigorating incentives. As Benjamin Lippincott has recognized, both governmental and business administration resolve fundamentally into the rôle played by effective incentives.[7]

Modern governmental administration is a new synthesis. It is necessarily concerned with all fields of knowledge and all matters

[6] "The realm of political science is, or lies within, the realm of social associations or administrative organizations," points out Dr. Means. Public administration, as viewed by Woodrow Wilson or Gardiner Means, constitutes the bulk of government—its very essence. See Means' article, "The Distribution of Control and Responsibility in a Modern Economy," in a symposium edited by Benjamin E. Lippincott, *Government Control of the Economic Order* (Minneapolis, 1935), pp. 1–17.

[7] In the "Conclusion" to the symposium cited, p. 118.

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which enter into the carrying out of official policies and programs. Administration is a means to an end. Hence, as tasks and objectives change, the instrument is also refashioned. That is why public administration may properly be called a "new" synthesis. Fifty years ago, with remarkable foresight, Woodrow Wilson visualized the kind of synthesis it should be; we have just about caught up with his concept.

Consider all of the fields from which administration must needs draw. History and political philosophy tell us what government has done in the past and what it is likely to do well. What the state is expected to do today is expressed in the law. "Every particular application of general law is an act of administration." The study also has roots in sociology, anthropology, and economics. The administrator seeks to solve problems; these are usually surrounded by complex social situations which allied social science disciplines help to explain. Administration does not operate in a vacuum. The public servant's subject-matter is medicine, engineering, law, finance, school-teaching, social service, or any one of dozens of other fields. Somewhere or other in government, every vocation and profession is represented. A knowledge of psychology is peculiarly involved in leadership, personnel, and public relations. Areal delimitation, organization, and control make use of engineering and rationalization factors. Economics supplies standards of measurement and evaluation, while public finance indicates the lines of fiscal policy.

Administration is concerned with "the what," and "the how," of government. The "what" is the subject-matter, the technical knowledge of a field which enables an administrator to perform his tasks. The "how" is the techniques of management, the principles according to which coöperative programs are carried through to success. Each is indispensable; together, they form the synthesis called administration. It is estimated that sixty per cent of all civil engineers are now publicly employed. What percentage of them know the "how" of governmental operations? The same question may appropriately be asked about school teachers, social service workers, and many other groups of public employees. All too many departments are filled with employees who "do not know their way around." Government suffers for want of executive leadership and aggressive administration.

The field of administration, then, is concerned with the problems

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and powers, the organization, and the techniques of management according to which policy and program are carried out. The major policies are determined for the management either by a legislature, a board of directors, or some other policy agency. But this does not mean that the administrative side of the institution is unconcerned with law and policy. Increasingly in all large enterprises, whether business or governmental, the professional administrators are relied upon for advice and proposed programs. Then too, the executive branch is called upon to fill in the details of general laws, by means of sub-legislation, discretionary acts, the creation of standards, and decisions between the rights of parties in disagreement. The starting point of every administrator is an understanding of the law or laws that he is expected to carry out; he needs to interpret law into terms of policy and program.

Today we cannot accept unqualifiedly the generalization of Woodrow Wilson to the effect that "the field of administration is a field of business. It is removed from the hurry and strife of politics; it at most points stands apart even from the debatable ground of constitutional study. It is a part of political life only as the methods of the counting-house are a part of the life of society."[8] Many is the time that officials have wished that this were true. But it is not; politics (in the sense of law or policy) runs all the way through administration. Group pressures operate directly and ceaselessly upon every branch and subdivision of public administration. Professor Herring's new book shows that when interest groups do not get what they want from the legislature they pursue the administration, and that when the lawmaking body capitulates, the organized interests keep tab on the executive agency to be sure that it performs its work to the group's satisfaction. One of the commonest expressions of the public servant is "every bureau has its clientèle."

Woodrow Wilson also erred in believing that administration has no close connection with the constitutional system and the general framework of government.[9] Inadequate machinery is the principal cause of administrative inefficiency and ineffectiveness. In the last fifty years, there has been a remarkable improvement in the competence of public personnel and the methods employed by governments. In these respects, public administration has greatly out-

[8] Wilson, *op. cit.*, pp. 209–210. [9] *Ibid.*, p. 211.

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distanced business management. For example, in the installation and use of office techniques and labor-saving devices, such agencies as the United States Census Bureau and the British Post Office Savings Bank have stood in a class of their own, leaders for industry as well as for government. Where government fails is in the articulation of the levels of government, failure to abolish or consolidate needless political subdivisions, and in the discouraging slowness with which individual governments are reorganized and modernized. This is the realm of machinery. Until the mechanism is put into working order, competent administrators and modern techniques are ineffective, or at best only partially successful. Constitutional reform is the condition precedent to most far-reaching administrative improvements. If the basic design is wrong, minor repairs are bound to prove disappointing. This means that federal decentralization, regional devolution, county consolidation, the rationalization of special districts, and the internal reorganization of our larger governments are the most needed reforms in public administration. The most brilliant executive is sometimes broken by an inflexible and utterly unworkable organization system. Here government is handicapped. Business corporations can change their organizations whenever the president recognizes the need of it. Public officials must await the slowness and uncertainty of constitutional change. Political science would do well to level heavy guns on the amassed lethargy which stands in the way of structural reforms.

The American constitutional system of checks and balances makes it difficult to put into operation tried and tested principles of public administration. The lines of responsibility are not clearly marked. Unity of management is hard to achieve because of the fact that the executive is not recognized as the indisputable head of the administrative departments and independent establishments. Executive leadership and administrative control are effective only when the confines of the administrative hierarchy are definite, all units are included, and the lines of authority are simple. In the cabinet form of government, in the city-manager plan, and in the corporate set-up, responsibility and unity are assured. The same superiority is found in the use of staff services. It is the function of personnel, finance, and other staff officers to be helpful to the chief executive; staff persons should never issue orders directly to line officers. This is a universal principle of good administration. When the constitutional system incorporates responsibility at its

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center, all staff services can readily be made to occupy their proper position. Not so, though, the American system of checks and balances: the civil service commission becomes a "control" agency; the chief finance officer is the servant of the legislature.

If a democratic people really desires the government to seek assiduously the ends of the state, it will construct the constitutional system so that the administration will be responsible and unified. The checks and balances system makes it necessary and inevitable to violate public administration's central principles. In a realistic analysis, the intimate interdependence of the constitutional and administrative structures will be closely observed.[10] The fixity of our written constitution, the multiplicity of our governing units, and the failure to provide for responsible leadership and administration make our constitutional system a difficult one within which to build principles of public administration.

Some may question whether we know enough about administrative principles (or possibly whether there is enough that can be learned) to make a comparison between the rival claims of constitutionalism and administrative requisites. This is a fair question, because first principles have been relatively slow in emerging. However, this backwardness is due more to neglect in research than to the mysterious or impoverished character of the subject-matter. What are the component parts of public administration? About what subjects can principles possibly be formulated? The principal questions concern objectives, area, organization, finance, personnel, techniques of management, public relations, and external control. Whenever a coöperative program is to be set in motion, the logic and precedence are roughly as follows: what is to be done; what is the proper area; what form should the organization take; how shall it be controlled and operated; from what source shall its funds come; how shall the personnel be chosen and its interests cared for; what attention needs to be given to public interests and attitudes; and what forms of external control, if any, are necessary?

Planning is the first and most important step in administration.

[10] There needs to be a closer working relationship between public law and public administration. I cannot agree with Woodrow Wilson that the distinction between constitutional and administrative questions is that "between those governmental adjustments which are essential to constitutional principle and those which are merely instrumental to the possibly changing purposes of a wisely adapting convenience." Basic design controls, and unless altered will rob administration of its vitality for social accomplishment.

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The objectives of the program must be carefully thought out, and the administrative goals and procedures must also be given serious attention. Only when objectives are formulated clearly is an enterprise likely to develop a corporate philosophy and institutional *esprit de corps*. The goals determine, to a considerable extent, the administrative methods which will be found most efficacious. Strangely enough, many enterprises, among them some very large ones, fail in the first and most important step, the planning function.

There are some objectives of good administration which are sought by every form of enterprise, public and private, business and non-commercial. In the first place, as we have already suggested, there needs to be unity of management. This means that there can be only one recognized head of the organization, that all essential parts are joined and move forward together, and that control and direction of the going concern from the outside will not be tolerated. Unity is necessary for planning, synchronization, control, effective leadership, and *esprit de corps*. In the second place, the administrative entity should be flexible. It should be able to respond to changes in markets, technology, and tastes. Stated negatively, the enterprise should be free from red tape and rigid regulations and procedures. This suggests a third desideratum, namely, responsiveness. The establishment should look outward, not merely inward. This is to say that all procedures and attitudes should be attuned to consumer wishes and requirements. The outward, responsive attitude on the part of administrators is the crux of what has latterly been called "public relations." Finally, great administration is characterized by atmosphere, spirit—an institutional quality which is pleasing. This end-product of good management is the result of a combination of factors, chief among which are outstanding executive leadership, adherence to sound management principles, and considerate treatment of employees and customers.

It is not necessary to catalogue in detail principles of public administration for all of the component parts of the field. Our present purpose is to make it clear that theoretical formulations are indispensable in this age of large-scale enterprise, that there are universal rules to be uncovered, and that attention to the theoretical systematization of administration is badly and urgently needed. Concerning administrative areas, for example, we may

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postulate the rule that boundaries should correspond as closely as possible to the composite of major problems within an area, adequate attention being given to administrative convenience, financial economy, and cultural attachments. Organization principles aim at a structure in which all authority is concentrated in the chief executive, lines of responsibility are hierarchical, staff officers clear through officials of the line, adequate attention is given to staff services, sufficient freedom is guaranteed to operating heads, and the entire organization is meshed at hierarchical levels and simply controlled at the top. There should be no more departments than there are necessary functions, and in no case more than the chief executive can control within the span of his attention and competence. The greater a person's responsibility, the more he needs to delegate tasks and the greater is the need for staff assistance. Personnel work should never assume control functions; its purpose is to help the executive plan and think. Accounting and auditing are separate responsibilities and should be treated accordingly in the organizational set-up. It is even more important that the executive should lead than that he should control. Authority and responsibility should be coëqual. The objects of public relations are to understand and to be appreciated. Finally, regular checks should be provided for the prevention or punishment of illegality, arbitrariness, discrimination, or discourtesy. The administrator should serve all, and none with special favor.

Principles of administration are applicable to all fields of human activity. Their equal applicability is particularly striking when very large enterprises are compared. The management problems and procedures in the American Telephone and Telegraph Company, for instance, are not unlike those which obtain in the federal government. Officials of the A. T. & T. find their most difficult management problems in the relation between headquarters and field, in reconciling operating autonomy and over-all control, in keeping delay and other evidences of red tape at a minimum. Any large government is constantly struggling with the same problems. Where is a sufficient supply of executive ability to be recruited, and how are men of extraordinary ability to be pulled up to the top without injuring the morale of those less gifted? Every large enterprise is perplexed by these problems. Even the undue influence of the Comptroller-General in federal administration has parallels in large corporations; it is always difficult to keep the finance man

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effective and at the same time in his proper place. The larger business enterprises become, the more like governments they are. "Bureaucracy is inherent," confess business executives; "the only question is whether its objectionable characteristics are ineradicable."

None the less, there are important differences between large corporate enterprises and our larger governmental administrations. Democratic government creates distinctive problems for public administration. As a rule, only one difference is emphasized: the fact that most private businesses are judged by profitability and most government departments seek only the greatest amount of service. This difference is important, because, as we have already said, administration is ultimately reducible to effective incentives. However, we should not permit this factor of undoubted importance to withdraw our attention entirely from other governmental differences.

Business administration is essentially a dictatorship, or at any rate a monarchy. Administration under a democracy, on the other hand, is deliberately limited and checked. This difference in what may be called constitutional theory accounts, in part, for the unity of management which business management easily achieves and which government administration finds it so difficult to accomplish within the confines of the democratic structure. Hence, too, the greater freedom of corporate executives to make changes in organization, to be responsive to new situations, and to react quickly to consumer desires.

Governmental administration is less responsive than business management because it is more accountable. It must adhere to the law; this being the case, meticulous regulations are promulgated. Business executives are not so circumscribed. They may change rules and regulations when it suits their convenience or when the interests of the business seem to require it. The necessity of legal compliance is the principal cause of government red tape. In its name, of course, regulations and red tape may be carried much farther than they need to be. One of the chief means of improving governmental administration is to reduce the number of inflexible regulations which, like a set of law-books, the administrator has before him on his desk. How to make administration flexible and responsive and at the same time legally accountable and constitutionally responsible—this is one of the most difficult adjustments of democratic government.

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Another advantage enjoyed by business management is the greater continuity of policy and executive leadership. It takes time and continuity to give programs a fair trial, to build up a unified administration, and to develop attachments to leaders and to the service. There are few such unbroken periods in a representative government. When one party is voted out and another in, old policies are likely to be stopped and new ones begun, whilst new faces appear in executive posts. These starts and stops, changes of leadership and losses of experience, are part of the cost which a people must expect to pay for popular rule. The price is not too high. Moreover, the upsetting consequences can be mitigated by producing a permanent administrative corps and giving it a proper amount of authority. We simply note this difference between government and business because it helps to explain the relative advantage, from an administrative standpoint, of one, and the difficulty of the adjustment of the other.

Governmental administration is more complex because of the nature of public duties. In large realms of social action, compulsion is necessary. Government regulates, prohibits, prosecutes. This means that public authorities must operate in a hostile or antagonistic atmosphere. Very few such situations arise in business administration; services are usually sought, or at any rate evoke a positive pleasure-response. Then, too, business services are relatively more simple because specialization is greater. Compare the problem of administering a large organization which sells one service or product, such as the telephone or a motor car, with that of a national government, which has within each department literally a score of diverse concerns. The United States Department of the Interior, for example, is charged with responsibility for matters so diverse as hospitals for the insane, oil wells, Alaskan bears, country schools, grazing rights, and universities. Specialization makes it easier to produce outstanding administration; concentration is one of the laws of success. The opposite is likewise true: multiple interests divide attention, make unity and coöperation difficult, and militate against institutional homogeneity and *esprit*.

It was once thought that an outstanding difference between business and government is that the latter is bureaucratic and the former is not. We now know that bureaucracy is generic, the result of size. Small governments are no more bureaucratic than small business units. Large governments are not necessarily more

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bureaucratic than large corporations. Bureaucracy is a necessary implication of large size. Some of its results are efficient, while others are socially objectionable. The problem of administration is therefore to eradicate, if possible, those consequences of bureaucracy which are undesirable. They are the very ones we have mentioned, namely, inflexibility, disunity, unresponsiveness. The objectionable features of bureaucracy can be made to dissolve when sufficient amounts of principle are applied to large organization units. The need of outstanding executive leadership, staff assistance, decentralization, and functional specialization is in direct ratio to the size and complexity of the institution. Woodrow Wilson wisely remarked: "The object of administrative study is to rescue executive methods from the confusion and costliness of empirical experiment and set them upon foundations laid deep in stable principle."[11]

The problem of the developing science of administration is like that of other social science disciplines in that it needs to become systematic and yet guard against insularity. The need for a consistent theory of large-scale administration is even greater today than it was when Woodrow Wilson wrote—less was known then, but the problems were nowhere near as great. The creative state and an "administered" economy have emerged within the last half-century. One needs simply consider the staggering significance of the administrative problems requiring solution and the empirical nature of attempted solutions to recognize the crying need for a systematic body of principles.

The answer is to be found in a broader view of administration than has heretofore obtained and in concerted attention to an underlying *rationale*. If the cultural view is steadfastly adhered to, insularity can be avoided. We do not want efficiency for its own sake; we want it for the sake of our democratic form of government. If administration were allowed to develop in a closed compartment, we should probably find that in a generation or so democratically-inspired people would have to tear down or reconstruct much that had been done in order to make the instrument conform to the life and temper of the people. Public administration in a democracy cannot expect to be concerned solely with efficiency.[12]

[11] *Ibid.*, p. 210.

[12] "An individual sovereign will adopt a simple plan and carry it out directly: he will have but one opinion, and he will embody that one opinion in one command.

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The formulation of an acceptable theory and philosophy of administration is likely to be less difficult than the education of legislators and voters in the necessity of applying these findings. There is a natural distrust of a strengthened executive, and yet it is perfectly obvious that most administrative improvements, such as greater unity and flexibility, hinge upon the enhancement of executive responsibility. We need to educate our fellow citizens to see that the advantages of simplification, effectiveness, and responsibility more than offset the theoretical danger of abuse of power. Woodrow Wilson has stated the matter in his usual lucid manner: "There is no danger in power, if only it be not irresponsible. If it be divided, dealt out in shares to many, it is obscured; and if it be obscured, it is made irresponsible. But if it be centered in heads of the service and in heads of branches of the service, it is easily watched and brought to book. If to keep his office a man must achieve open and honest success, and if at the same time he feels himself intrusted with large freedom of discretion, the greater his power the less likely is he to abuse it, the more is he nerved and sobered and elevated by it. The less his power, the more safely obscure and unnoticed does he feel his position to be, and the more readily does he relapse into remissness."[13]

Administrators need to educate their masters. Democracy cannot survive unless basic programs succeed in accomplishing their objectives. On the other hand, the only kind of effectiveness which is acceptable to a democratic people is that which is produced by those who can be trusted. "The ideal for us is a civil service cultured and self-sufficient enough to act with sense and vigor, and yet so intimately connected with the popular thought, by means of elections and constant public counsel, as to find arbitrariness or class spirit quite out of the question."[14] The acceptability of public administration principles is dependent upon their consistency with and contribution to those democratic values which the community is determined to preserve at all costs.

But this other sovereign, the people, will have a score of differing opinions. They can agree upon nothing simple: advance must be made through compromise, by a compounding of differences, by a trimming of plans and a suppression of too straightforward principles. There will be a succession of resolves running through a course of years, a dropping fire of commands running through a whole gamut of modifications." Woodrow Wilson, *ibid.*, p. 207.

[13] *Ibid.*, pp. 213–214.

[14] *Ibid.*, p. 217.

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The Economic Limitations to Certain Uses of Interstate Compacts. Within recent months, increased attention has been given the possibility of utilizing interstate compacts to cope with problems that transcend the boundary lines of given states. A Council of State Governments has been created to promote such interstate agreements, and several states have established commissions to facilitate coöperation with this council. Compacts have been advocated as solutions not only for the problem of criminal extradition, but also for such problems as the control of the extraction of natural resources (e.g., coal, oil, gas, water supplies, and water power) and the conservation of their supply, and the regulation of milk prices, of the conditions of labor, and of the production and distribution of the services of certain classes of public utilities.

It is my purpose in this paper to indicate that the use of interstate compacts to solve important economic problems is greatly limited by the inherent nature of economic processes and economic interrelationships.[1] It is not my intention to appraise historical and administrative arguments designed to show the limited applicability of interstate compacts;[2] or to consider any legal questions other than the apparent economic implications of Article I, Section 10, of the Constitution, relative to compacts; or to advocate the superiority of control by compact over control by individual states, even though the criticisms of control by compact apply with even greater force to control by individual states.

I

It is generally accepted that the task of the economy of a community is to make such use of the more or less scarce factors of production as to satisfy the varied wants of the persons composing that community in the most advantageous manner possible. While the nature of these wants is conditioned at any moment by the culture of the community, the total importance of any one want, given a certain cultural *milieu*, depends upon the prevailing income distribution. This income distribution may be fixed either as at present by rewarding the owners of factors of production in

[1] The economic criticisms of the use of interstate compacts apply *a fortiori* to efforts on part of individual states to solve problems for which compacts are advocated. For a defense of uniform action by states, see W. B. Graves, *Uniform State Action* (Chapel Hill, 1934).

[2] Critics have urged: (1) that we have proof of the limited applicability of interstate compacts in the fact that nearly all of the compacts approved by Congress (24 in 1789–1918, 13 in 1918–31) have dealt with boundary disputes, engineering projects, and river and harbor traffic between adjacent states; (2) that the formation of significant compacts either has proved impossible or has been attended by years of delay; (3) that national administration and control is much more effective than regional administration and control.

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accordance with their approximate productivity and modifying this result through taxation and through interference with the competitive processes, or as in a socialist state by basing income upon the principles of both productivity and needs.[3] In either case, however, the efficiency of the economic system is measured, other things being equal, in terms of its capacity to satisfy most advantageously, over a designated period of time, the set of needs fixed by the culture and the income distribution of the community.

When states enter into an interstate compact in order to cope with a problem, whether important or not, the objective is control. When that problem is an important one of an economic nature, the objective is control of the processes of production, or of distribution, or of both.[4] Control of production and/or distribution by means of interstate compact may be open to criticism on one or more of three grounds. First, control by compacting states may injure the inhabitants of non-compacting states. Second, the control sought may prove impossible of attainment unless all the states composing the United States enter such a compact. Third, the objective sought may involve ethical issues which can properly be dealt with in a democracy only on a national scale. We shall consider these grounds in order.

Article I, Section 10, stipulates that "no state shall, without the consent of Congress . . . enter into an agreement or compact with another state or with a foreign power." The purpose of this requirement of consent by Congress, whether explicit or implicit, is, so far as modern social and economic and other problems are concerned, to prevent abrogation of federal powers or the establishment, by some states, of compacts which are deemed injurious to other states. While the practical meaning of the above clause, as it applies to interstate compacts established to solve economic problems, depends ultimately and predominantly upon how the Supreme Court defines both an abrogation of federal powers and an injury to the citizens of other than the compacting states, the theoretical meaning of the term "injury" lies in the fields of economics and ethics.

For purposes of analysis, let us conceive of the United States as a closed

[3] While finished goods and factors of production should always be priced, as the mathematical economists have shown, in accordance with their relative scarcity, allocations of income *per se* need not be based solely upon productivity. The objectives of collectivism are identical with those of competitivism: (a) given a certain income distribution, to maximize the advantages securable from the available supply of the factors of production; (b) to establish such a system for the selection of leaders and such a system of communal controls as will at all times make available the largest technologically possible supply of productive resources.

[4] A compact designed to establish control of certain prices, or of working conditions in certain industries, involves control of certain aspects of production and/or distribution.

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economy, insulated from all contact with other economies.[5] Let us assume, further, that a reduction in the real income of the non-compacting states constitutes an economic injury to the latter.[6] Given these two assumptions, the economic consequences of any possible interstate compact must be appraised in terms of its comparative effect upon the economic fortunes, respectively, of the citizens of the compacting states and of the non-compacting states. Let us next suppose this closed economy, the United States, to consist, in respect to any specific economic problem, of two regions; the first, or A, including all states affected by that specific problem; the second, or B, including all states not participants in any coöperative or compacting action which the states composing the first region take in respect to that given specific problem.

There are three possible conditions under which a compacting action by the states comprising region A would not injure the economic interests of the states comprising region B: (1) when no effects of such action pass beyond the borders of A; (2) when either all the effects, or the net effect, of such action are/is favorable to B; (3) when the states comprising A arrange to reimburse B for any economic injury caused to states in B by the compacting action of the states comprising A. The practical and the economic feasibility of the use of interstate compacts to solve economic problems transcending the lines of given states must then turn upon: (a) the possibility of inducing all states in B (e.g., all states which produce oil) to enter a compact (e.g., in respect to oil control); and (b), the possibility of meeting the three conditions which we have specified. When it is impossible to achieve (a) and (b), there exists an economic reason for either *laissez faire* or action by the federal government.

Now let us test the applicability of interstate compacts to the solution of economic problems in the light of the above reasoning. The establishment, by a given number of states, of a compact providing for the control of some economic problem can injure the economic interests of the inhabitants of non-compacting states in one or more of three ways: (a) through elevating the price of commodities sold by the compacting states; (b) through increasing the supply of commodities sold by non-compacting states; (c) through depressing the demand for commodities sold by non-compacting states. Given such injury, and given, further, that the com-

[5] In the real world, certain compacts may affect other states in the United States through the medium of international economic relations.

[6] We shall argue below that any economic control which reduces the total economic income of certain states for certain periods of time must be justified on one of two grounds: (a) that the achievement of alleged national objectives is being furthered; (b) that fascism or communism is being checked thereby. Ground (b) is a special case under (a). The restriction of economic control to control by compact, if adopted as a national policy under (a), would necessarily constitute a rejection, on ethical grounds, of the objections advanced in this paper. See, however, below.

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pacting states cannot or will not adequately reimburse the non-compacting states for such injury, it follows that the establishment of the compact clearly violates what seems to have been the intent of the framers of Article I, Section 10, relative to interstate compacts.

A compact may elevate the prices charged to inhabitants of non-compacting states for certain products of compacting states. For example if, as W. J. Donovan[7] has suggested, a compact were established to control the production of cotton, the price per pound of cotton to the cotton consumers living in the non-compacting states would be raised. These consumers would therefore suffer an injury unless the compacting states made available to the non-compacting states a sum equal to the real purchasing power lost to the non-compacting states by the compact in question. Now if, as is generally accepted, the cotton-growing states grow cotton because their resources are comparatively suited thereto, it follows that such reimbursement would cost the compacting states more on the balance than the compact could yield. Hence, assuming observation of the intent of Article I, Section 10, the compact would prove either unworkable or absurd.[8] The compacting states would not reimburse the non-compacting states, or would experience a reduction in total income as a consequence of the combined effect of the compact and the reimbursement. Generalizing, whenever the immediate result of economic control by compact is a use of resources less in accord with the laws of absolute and comparative advantage, the real income of the compacting states can be increased only at the expense of the non-compacting states.[9] The real income of the compacting and/or the non-compacting states will not be reduced only if the compact causes resources to be used more in accord with the laws of absolute and comparative advantage.[10]

[7] See *University of Pennsylvania Law Rev.*, Vol. 30, pp. 5–16 (November, 1931); *Annals of Amer. Acad.*, Vol. 160, pp. 82–83 (January, 1932).

[8] The same economic criticism may be directed against the A.A.A. program. However, this program may be defended on the ground that its objective was national, not regional, in scope.

[9] See B. Ohlin, *Interregional and International Trade* (Cambridge, 1933), and F. W. Taussig, *International Trade* (New York, 1927), for treatment of the problem of securing the most economical geographical distribution of industry.

[10] If, as a result of the establishment of a compact, production within the compacting states were carried on more in accord with the laws of comparative and absolute advantage, the non-compacting states would tend automatically to gain. For even though the price of certain commodities sold by the compacting states would rise, others would fall as a result of the shift of factors of production to other types of production. Hence, assuming that the non-compacting states purchased from the compacting states more than one type of goods, the non-compacting states would, on the balance, get a larger volume of goods in exchange for things shipped to the compacting states. The problem involved must be analyzed in terms of international trade theory as of a given moment of time, or, postulating increasing

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If a compact caused restriction of the output of an industry located in the compacting states, there would be released from that industry factors of production which would enter into competition with similar factors located in the non-compacting states and thus decrease real income in the latter. For example, if the cotton-growing states were to form a compact to restrict cotton acreage, some of the acres and men and equipment hitherto employed in cotton-growing would engage in the production of corn and other products. The supply of these products would be augmented, their price would fall, and the incomes of non-compacting states growing such products would decline. Moreover, assuming that production had already been conducted in accordance with the laws of absolute or comparative advantage, the gain to compacting states would be less than the loss to the non-compacting states.

A third effect of interstate compacts in respect to economic problems has been implied in the preceding analysis. A compact may alter income distribution within the compacting area and thus alter the relative volumes of demand for different products produced in the non-compacting area. For example, if a compact served to divert income from, say, capital to labor, and if labor spent this income for different commodities than had hitherto been purchased by the owners of capital, business men in the non-compacting area who had hitherto sold their products to the recipients of income from capital would experience a decrease in gross and net income. Those who produced the products consumed by labor would experience an increase in gross and net income. The compact would thus alter the composition of the demand for products of the non-compacting area. Whether such an alteration could *per se* be interpreted as injurious, however, is doubtful, for the economy in the non-compacting area, given mobility of labor and capital, could be adapted to the changes in the demand for various products. If, however, the compact resulted in a less economic use of resources in the compacting area, the resulting situation would be that assumed in the first case postulated above.

Generalizing the three postulated cases, we reach this conclusion: whenever an interstate compact results in a use of productive resources which is less in accord with the laws of comparative and absolute advantage than was the use made prior to the establishment of the compact, the total income of the United States is decreased. Since, as has been shown, there are many economic interconnections between the compacting and the non-compacting regions, it would be impossible, in utilizing an interstate compact to deal with any important economic problem, to confine the effects of that compact to the compacting area. Accordingly, if the

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returns as Marshall does, over a designated period of time. See R. F. Harrod, *International Economics* (New York, 1933), Chaps. 2–3.

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purpose of a compact is an increase in the real income of the compacting area, and if the effect of that compact is a decrease in the economy with which resources are used, the resulting loss in income will probably be borne by the non-compacting states. Injury to the non-compacting states can be prevented only if they are reimbursed for the loss in question. This loss, however, necessarily exceeds the gain of the compacting states. It follows, therefore, that the only condition under which Congress can reasonably sanction such a compact is one under which the compact will have lost its *raison d'etre*. In short, the only economic compacts to which Congress can reasonably give consent are those whose effects are completely confined within the compacting area, or if they transcend that area, do not on the balance reduce income in the non-compacting areas.[11]

II

A second weakness of economic control by means of interstate compacts lies in the fact that some or all of the beneficial results[12] achieved through control by compact flow into the non-compacting states, whereas the non-beneficial results of the failure of the non-compacting states to enter into a given compact flow into the compacting states. For the number of states which can be brought into a given compact designed to establish uniform conditions of economic control will almost inevitably be less than the number which must be brought into a compact if the objectives sought through that compact are to be realized. Compacting states could avoid this second weakness only by converting the area of the compacting states into a closed economy, or by securing adequate reimbursement from the non-compacting states; that is, by means of remedies which are neither possible nor desirable from a national point of view.

The effect of economic control through interstate compacts is thus analogous to the effect of non-uniform taxation by states. Control by compact will have one of three possible immediate effects upon the relative price (or real income) per unit of given types of factors of production: (a) the price of all types will be raised, or the price of some will be raised and the price of none will be lowered; (b) the price of none will be altered; (c) the price of certain types will be lowered. For example, a compact may increase, decrease, or have no immediate effect upon the price of a given grade of labor; it may increase, decrease, or have no effect upon the return per unit of a given category of capital.

While the ultimate effectiveness of economic control by means of interstate compacts will not be reduced, given conditions (a) or (b), the ultimate effectiveness of such control will be reduced, given condition (c),

[11] See note 3 above.

[12] By "beneficial results" I mean results deemed beneficial by the compacting states, and hence sought by them through control by compact.

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unless one of two further conditions is present: (1) the factor whose relative price is reduced cannot migrate to the non-compacting area; (2) the price of the factor whose price is reduced in the compacting area still remains above the price of similar factors in the non-compacting area. If, however, as a result of the establishment of a compact in area A, the price of factor X is elevated above the price being offered for X in non-compacting area B, units of X will migrate from B into A. And if the price of factor Y in area A is reduced below the price being offered for factor Y in B, units of Y will migrate from A to B. Accordingly, the objective of the compact, raising the price of X in A relative to the price of Y, will prove impossible, or nearly impossible, of accomplishment.[13] To illustrate: if the immediate effect of a compact is to raise wage rates and to decrease the price per unit of capital in A, and if as a consequence labor migrates from B to A and capital migrates from A to B, wage rates in A will again be depressed to, or approximately to, or below, the pre-compact level, whereas the price per unit of capital will again be pushed toward the pre-compact level. The immediate effect of such factor migration upon total real income in A, in B, and in A+B, will depend upon whether such migration has caused all factors to be used more or less economically following the establishment of control by compact as compared with their use prior to the establishment of such control. The longer run effect of both the compact and of any consequent migration of factors will depend upon the extent to which changes in the relative prices of factors, caused by such compacts and migration, in turn influence the rate at which various types of factors are supplied.[14]

In the present section, we have argued that the detrimental effects of the failure of non-compacting states to establish controls similar to those adopted by the compacting states flow into the compacting states. In the preceding section, we argued that the detrimental effects of control established by compacts flow from the compacting into the non-compacting area. In the next section, we shall argue that both because of these two effects and because of other ethical and economic implications, important economic controls, when deemed desirable, should be national rather than regional in scope. For, however legalists define the meaning of "national in nature," important controls of economic life are rendered "national in nature" by economic processes.[15] Such controls involve alterations of

[13] We assume, of course, that the achievement of such an objective is economically possible.

[14] The analysis in the above paragraph has run in terms of migration and counter-migration of factors. If there were no such factor migration, and if, as a consequence, the relative proportions in which factors are supplied in certain regions were altered, the effect of this alteration would be transmitted to other states through the medium of interstate commerce.

[15] "Whatever subjects of this power are in their nature national, or admit only

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specific prices in a system of nationally interdependent prices, an alteration of any one of which involves an alteration of some or all of the others, just as an alteration of the position of a marble in a bowl of marbles involves an alteration in the relative positions of some or all of the other marbles in the bowl.[16]

III

In the preceding sections, it has been suggested that both the establishment of controls by interstate compacts and the failure of certain states to establish certain controls may result in injury respectively to non-compacting and to compacting states. If it were possible to assess either the net injury to non-compacting states caused by the action of compacting states, or the net injury caused to compacting states by the failure of non-compacting states to establish similar controls, the injured states could be reimbursed. In view of the lack of adequate methods for measuring the practical extent of such injuries, it would be virtually impossible to make proper reimbursements. Moreover, it would be difficult to allocate equitably such reimbursements, if made, among the individuals living in the states receiving such reimbursements. Any method designed to secure equity as between states or between regions is thus beyond man's capacity to achieve.

Control of economic life presupposes certain ethical postulates in the light of which certain objectives appear desirable. These postulates, and hence the objectives based thereupon, may be implicit in the developing cultural system, or they may be the sheer assumptions of a few individuals[17] who consider themselves representatives of certain interest groups. What is of immediate consequence, however, is not the source whence the advocacy of the objectives emanates, but the fact that the achievement of any other set of objectives than those being realized at any moment of time necessarily involves an alteration of the status quo, a shift of power and opportunity and income from some individuals and groups to other individuals and groups. Such a shift in turn presupposes conflict —conflict between interest groups or between aggregations of interest groups rather than between individuals as such.

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of one uniform system, or plan of regulation, may justly be said to be of such a nature as to require exclusive legislation by Congress." Cooley v. Board of Wardens (1851), 12 Howard 299.

[16] E. S. Corwin has observed that "production for the interstate market . . . knows no state lines." In view of the above analysis, not only production for the interstate market, but a large proportion of the production intended for the intrastate market, has effects which transcend state lines or the boundaries of the area within which production originally takes place. See E. S. Corwin, in *Cornell Law Quarterly*, Vol. 23 (1932–33), p. 502.

[17] The distinction here made is one of degree, not of kind.

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Conflicts involving economic objectives must be waged on one or both of two terrains. Conflicts over economic objectives always and of necessity involve economic interest groups, or economic strata. Conflicts of this sort are thus inherently vertical in nature. In proportion, however, as such conflicts occur within the boundaries either of an individual state or of a region comprising compacting states, they tend also to become horizontal in effect. For the controls to which such conflicts give rise involve, as I have indicated, overflows of detrimental effects from compacting to non-compacting areas and from non-compacting to compacting areas.

Since conflicts of the type described are ultimately inevitable, the social and political problem seems to be two-fold: (1) eliminating all inherently unnecessary conflict; (2) providing such an organization for the resolution of conflict between organized groups as will give to each a voice in achieving economic and political adjustment and will efficiently secure a constant re-balancing of interests.[18] Conflict between states, or between groups of states, while not wholly avoidable, could presumably be reduced by relegating to the national legislature all economic controls whose effects necessarily transcend the area of any group of states that might establish an economic control by means of interstate compacts. Against this contention, but one possibly valid non-legal argument may be advanced, namely, that regional or state control constitutes the most effective means of preserving a democratic form of government, the most effective means of checking the growth of a centralized form of control which will metamorphose into fascism or into communism. The validity of this contention is contingent, however, upon: (a) whether or not centralization *per se* will result in, or foster the development of, fascism or communism; (b) whether or not state and regional control can be maintained against the consolidating effects of technological change and of concentration of financial control of industry; and (c) whether or not the desires of preponderating groups can be adequately or most efficiently satisfied within the framework of state and regional controls.[19]

[18] See John R. Commons' interesting analysis of this problem in the *Amer. Econ. Rev.*, Vol. 25 (June, 1935), pp. 212–223; and cf. his *Institutional Economics* (New York, 1934).

[19] Clues as to the possibility and probability of altering the status quo to achieve new objectives lie in the prevailing culture complex, in the matrix of history. The means of alteration lie in the comparative strength and capacity of pressure groups arising out of cultural situations. The function of social science consists in the interpretation of these trends, in the development of such a system of selecting economic and political leaders and methods as will most effectively enable the achievement of the ethical objectives which are implicit in the contemporary cultural development. See article by the writer in the *Internat. Jour. of Ethics*, Vol. 44 (April, 1934). See also further articles in same journal by Frank Knight (Vol. 45, 1932, pp. 200–300) and C. E. Ayres (Vol. 44, pp. 452–454; and Vol. 45, pp. 170–199, 356–358).

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A satisfactory balancing of interests, whether of areas or of social groups, seems more likely to be achieved with minimum effort within the confines of a national legislature than within the confines of state or regional controlling bodies. Control on a national scale through the medium of a national legislature in which all interest groups are represented seems more flexible,[20] more amenable to change, more responsive to alterations in the strength of pressure groups and in the nature of objectives sought.[21] Moreover, there is a greater probability that when the objectives sought involve temporary or permanent injury to certain regions, the inhabitants of such regions will be able to participate in the gains allegedly achieved elsewhere as a consequence of the attainment of these objectives. Finally, given a national rather than a regional method of achieving social objectives, the control of both the legislation designed to achieve given objectives and the institutions set up to foster such achievement is vested in the only legislative body comprising representatives of every area and class which may be affected by such legislation and institutions.[22]

[20] Max Ascoli suggests, however, that too great a flexibility of the legal and constitutional structure is dangerous. "The fight for a greater and more indeterminate legal freedom does not allow the crystallization of traditions and of prestige around new constitutions. What we call constitutional democracy is only a very thin crust offering the basis for the development of our legal freedoms and protecting us from the underlying primeval world of sheer violence. Fighting for a freer legality, we run the danger of falling into a pre-legal world. . . . What is a constitution if not an attempt of human ingenuity to build up an artificial mechanical dynasty? This shell of laws was molded upon the personal power of the kings, as an instrument of legal engineering for accomplishing part of their functions and at the same time for limiting them. This shell can be filled with a constitutional king or with a president; it does not matter very much. But what does matter is that if the shell is broken, a form of personal power is bound to come back." See *Social Research*, Vol. 1 (May, 1934), pp. 183–184.

[21] Frankfurter and Landis imply that the use of compacts will not make for an increase in the inflexibility of the nation's legal and regulative structure. "Congress does not surrender any of its powers; it merely finds no occasion for its present exercise of them. There is, therefore, no 'delegation' of its power in any legally significant use of the term. But Congress does not foreclose the future. If and when circumstances which now call for solution through compact change, Congress is wholly free to assume control." See *Yale Law Rev.*, Vol. 34 (May, 1925), pp. 726–727.

[22] We may illustrate the need for truly representative control as against incomplete control through reference to a recent proposal of Dr. T. J. Woofter to the effect that the federal government subsidize the schools in parts of the South where families are large and the capacity to provide either education or economic support is meagre. Dr. Woofter justifies this proposal on the ground that the children educated at federal expense, i.e., at the expense of other states, migrate to other states and employ their acquired capacities there. While this argument seems valid as far as it goes, it ought also to be stipulated that the population be moved out of these poverty-stricken regions, that population growth in these regions be controlled, and that the school curricula be fixed by the federal government to meet the real potential needs of the students and of the other states to which such students will

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Summary. In virtually every, if not in every, instance in which an important economic control by means of an interstate compact is or may be proposed, the compact will result in economic injury to the non-compacting states, or the failure of the non-compacting states to establish controls similar to those established within the compacting states will result in injury to the compacting states. The high degree of integration of economic life to which such boundary-transcending effects and injuries are traceable, combined with the necessity that policy be determined by and class conflict resolved within a body representative of all interests, renders national legislative control superior to either state control or regional control by means of interstate compacts.

JOSEPH J. SPENGLER.

Duke University.

The Presidential Veto Since 1889. In 1890, Mr. Edward C. Mason published in his monograph, *The Veto Power*, the results of his investigation of presidential vetoes down to 1889. In the present note, it is proposed to supplement the earlier study by presenting a short analysis of vetoes between 1889 and 1934.

By 1889, the direct veto had been applied to 435 measures. Of this number, however, over 200 were pension bills vetoed during Cleveland's first administration. Of pocket vetoes, there had been only 16.[1] From 1889 to the close of the Seventy-third Congress in June, 1934, the direct veto was exercised 235 times, and 292 pocket vetoes were recorded. In the hundred-year period from 1789 to 1889, 29 vetoes were overridden by Congress; in the 45 years from 1889 to 1934, 22 met reversal.[2] This increase in the number and proportion of vetoes is attributable to the increased amount and broadened scope of legislation resulting from the complexity of our social and political life.

Veto messages have set forth a great variety of reasons for disapprobation, but taken by and large the objections may be grouped into the two main classes mentioned above: (1) those based upon unconstitutionality; (2) those based upon inexpediency either in content or in form. In the

migrate. In brief, no grant of funds is defensible unless the providers of such funds control the effects of their expenditure. Spending by Congress does not, however, *per se* assure a representative, responsible, and economic use of funds and resources. For, as Corwin suggests, the spending power, which has eluded all constitutional snares and which has been employed and is being employed to attain indirectly the very objectives that Congress has been and is constitutionally prohibited from achieving directly, is "constantly exposed when left to itself to be overridden by corrupt amalgamation of thievish interests." See E. S. Corwin, *The Twilight of The Supreme Court* (New Haven, 1934), pp. 178–179.

[1] E. C. Mason, *The Veto Power* (Boston, 1890), Appendix D, p. 214.

[2] See Table I.

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former group may be placed the comparatively few vetoes to prevent legislative encroachment upon the executive. In the total of 235 direct vetoes in the period surveyed, only eight were for executive protection, and these were of less practical importance than the larger group of vetoes based upon reasons of wisdom or expediency. In addition to these eight vetoes, five were based upon other constitutional grounds. These include Taft's veto of the Webb-Kenyon Act because it violated the interstate commerce clause, and his veto of an appropriation bill exempting certain agricultural and labor groups from the operation of the anti-trust laws; Wilson's veto of the war-time prohibition enforcement act; Coolidge's disapproval of the second agricultural surplus control measure,

TABLE I

SUMMARY OF DIRECT AND POCKET VETOES, 1889–1934

President	*Date of Administration*	*Congress*	*No. of Direct Vetoes*	*No. of Vetoes Overridden*	*No. of Unsuccessful Attempts to Override*	*No. of Pocket Vetoes**
Harrison	1889–1893	51, 52	19	1	1	23
Cleveland	1893–1897	53, 54	42	5	9	124
McKinley	1897–1901	55, 56	6	—	1	35
T. Roosevelt	1901–1909	57, 58, 59, 60	41	1	1	40
Taft	1909–1913	61, 62	30	1	9	9
Wilson	1913–1921	63, 64, 65, 66	33	6	9	11
Harding	1921–1923	67	5	—	1	1
Coolidge	1923–1929	68, 69, 70	20	4	4	26
Hoover	1929–1933	71, 72	21	3	5	10
F. D. Roosevelt (to June, 1934)	1933–	73,–	18	1	—	13
Totals			235	22	40	292

* Based on House Document No. 493, 70th Congress, 2nd Session, up to December 22, 1928, and since then, on summaries of congressional sessions appearing from time to time in the *American Political Science Review* and in the *United States News*.

with its equalization fee clause involving a relinquishment by Congress of its taxing power; and Hoover's veto of the Muscle Shoals bill on the ground that it deprived the states of their constitutional right to tax property within their borders. In short, the 13 vetoes exercised on the ground of constitutionality, whether to prevent encroachment upon the executive or to protect Congress's own powers, are only approximately one-twentieth of the total number of direct vetoes. Two of these 13 were overridden—both of them, curiously enough, dealing with liquor control, i.e., the Webb-Kenyon Act of the Taft administration, and the war-time

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prohibition enforcement act of the Wilson régime. No veto imposed to protect the executive from legislative encroachment met reversal.

In the broader class of vetoes based on wisdom or expediency fall, first, those measures private in nature, such as pensions and various types of private claims;[3] and second, measures involving public matters of sectional interest (such as the creation of additional judicial districts and the erection of public buildings), as well as measures dealing with general public or governmental policies. One hundred and three of the 235 direct vetoes were applied to bills classified as pension or private claims, and disapproved for a variety of reasons, notably technical faults in drafting, false or unjustified claims, and considerations of economy. Presidential determination to defend the public treasury and to check extravagant pension or private legislation often faced congressional hostility; yet only three vetoes arising from this source met reversal, all being pension bills during the Fifty-fourth Congress (1895–97), under Cleveland. Of the public measures, 20 dealt with legislation of sectional interest and 20 with Indian matters, every President with the exception of Harding having disapproved at least one Indian act.[4] One such veto met reversal in the Sixty-sixth Congress (1919–21), in Wilson's administration.

The remaining 79 vetoes in the class based upon expediency—a fraction more than one-third of the total vetoes—were of bills which, in presidential opinion, were contrary either to established governmental policy or to the best interests of the public welfare. In this group are included such measures as the silver coinage act of the Cleveland administration; the census and water-rights bills under Theodore Roosevelt; the five tariff acts and the joint resolution admitting Arizona to statehood, with its constitutional provision for judicial recall, in the Taft administration; the immigration measures, with their literacy test clauses, under Cleveland, Taft, and Wilson; the army enlistment act and the resolution for a separate peace with Germany, which fell to the lot of Wilson to consider; the recurring bonus measures with which Harding and his three successors had to deal, and on which, with the exception of Harding and Franklin D. Roosevelt (in the period here dealt with), each suffered defeat; the McNary-Haugen agricultural surplus control act of Coolidge's administration; and the Philippine independence act of Hoover's term. In addition to these measures which in themselves sought to enact legislation deemed by the Executive indefensible or unwise, mention might be made of those appropriation measures, notably in the Taft and Wilson terms,

[3] Harrison, 7; Cleveland, 28 (18 pension, 10 private claims); McKinley, 4; T. Roosevelt, 23 (2 pension, 21 private claims); Taft, 10; Wilson, 9; Harding, 1; Coolidge, 3; Hoover, 3; F. D. Roosevelt (to June, 1934), 15.

[4] Harrison, 1; Cleveland, 4; McKinley, 2; T. Roosevelt, 2; Taft, 1; Wilson, 1; Coolidge, 4; Hoover, 4; F. D. Roosevelt (to June, 1934), 1.

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which contained riders so objectionable that the President refused to be a party to them. In only 13 instances in this group of 79 vetoes did Congress disregard presidential objection and repass the measure.[5]

Since the major portion of the balance of unreversed vetoes relates to legislation of importance, the conclusion may be reached that the veto is effective in preventing the enactment of measures judged by the Executive to be of doubtful expediency or constitutionality. Giving weight to this deduction are the many vetoes of unwise Indian legislation, of bills of purely sectional interest, and of private pension and relief measures which, in varying number, all Presidents have disapproved and vetoes of which, with a few negligible exceptions, Congress has made no attempt to reverse. Furthermore, in many instances the presidential veto has been instrumental in the passing of subsequent legislation from which the objectionable features of the original measures were omitted. This is especially noticeable in the case of the many appropriation bills disapproved because of riders, and in the recasting of the decennial census act in the administration of Theodore Roosevelt.

Table II shows the relative frequency of direct vetoes, both sustained and overridden, in "controlled" and in "divided" or "adverse" Congresses. By a "controlled" Congress is meant one in which both houses are controlled by the President's party. "Divided" or "adverse" Congresses are those in which one or both houses are dominated by the party opposed to the President. It will be seen that in the period of politically controlled Congresses, covering 33 of the 45 years from 1889 to 1934, there were 150 direct vetoes, and 25 (16.6 per cent) attempts to override the veto, of which nine (36 per cent) were successful, and 16 (64 per cent) unsuccessful.

The period of politically divided or adverse Congresses covers 12 of the 45 years under consideration. In this period, there were 85 direct vetoes, and 37 (43.7 per cent) attempts to reverse the veto, of which number 13 (35.1 per cent) were successful, and 24 (64.8 per cent) unsuccessful. When

[5] These include (1) the river and harbor appropriation bill in the Fifty-fourth Congress (1895–97), under Cleveland; (2) the immigration measure with its provision for a literacy test, finally repassed after three previous unsuccessful attempts, during the Sixty-fourth Congress (1915–17), during Wilson's first term; bills dealing with (3) daylight saving repeal, (4) reëstablishment of the War Finance Corporation, and (5) army enlistment in the Sixty-sixth Congress (1919–21), during Wilson's second term; (6), (7), and (8) the bonus bills in the Coolidge Sixty-eighth (1923–25), the Hoover Seventy-first (1929–31), and the F. D. Roosevelt Seventy-third (1933–34) Congresses; (9) war emergency officers retirement act, (10) night postal service pay measure, and (11) fourth-class postmasters' compensation bill—all in the Seventieth Congress (1927–29) of the Coolidge administration; (12) the Spanish War pension increase measure of Hoover's Seventy-first Congress; and (13) Philippine Independence Act of his Seventy-second Congress (1931–33).

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the time element in the distribution of Congresses is considered, these figures assume importance, for they indicate that in the 12 years of politically divided or adverse Congresses the direct veto was exercised more than one and one-half times as often as in the 33 years of politically

TABLE II

USE OF THE DIRECT VETO IN CONTROLLED, DIVIDED, AND ADVERSE CONGRESSES, 1889–1934

CONTROLLED CONGRESSES						*DIVIDED OR ADVERSE CONGRESSES*		
No. Unsuccessful Attempts to Override	*No. of Vetoes Overridden*	*No. of Direct Vetoes*	*President*	*Congress*	*Date*	*No. of Direct Vetoes*	*No. of Vetoes Overridden*	*No. Unsuccessful Attempts to Override*
1	—	15	Harrison	51	1889–91			
				52	1891–93	4	1	—
3	—	18	Cleveland	53	1893–95			
				54	1895–97	24	5	6
1	—	2	McKinley	55	1897–99			
		4		56	1899–01			
		15	T. Roosevelt	57	1901–03			
				58	1903–05			
		14		59	1905–07			
1	1	12		60	1907–09			
		8	Taft	61	1909–11			
				62	1911–13	22	1	9
1	—	4	Wilson	63	1913–15			
	1	4		64	1915–17			
				65	1917–19	5	—	3
				66	1919–21	20	5	5
1	—	5	Harding	67	1921–23			
1	1	3	Coolidge	68	1923–25			
—	—	4		69	1925–27			
3	3	13		70	1927–29			
4	2	11	Hoover	71	1929–31			
				72	1931–33	10	1	1
—	1	18	F. D. Roosevelt	73	1933–34			
16	9	150				85	13	24

controlled Congresses; that, although within the respective groups themselves the percentages of both successful and unsuccessful attempts to override the veto were almost identical, four times as many attempts at reversal were resorted to in the years of politically divided or adverse Congresses as in those controlled by the President's party; and that in

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the former period, congressional reversal occurred approximately four times as frequently as in the latter.

KATHERINE A. TOWLE.

University of California.

Tightening the Direct Primary in Michigan; First Applications of the Filing Fee. Taking note of the constantly increasing number of persons who were seeking nomination to public office in Wayne county, Michigan, a special election laws commission (1930) recommended a change in the laws governing the primary. The recommendation, accompanied by a draft of a bill, proposed to make it somewhat more difficult in that county for candidates to qualify for a place upon the primary ballots. The legislative response to this recommendation was an innocuous amendment providing for the deposit of a small filing fee as an alternative to the nominating petition. However, primary abuses during the depression years convinced the legislature that more drastic action was necessary, and in 1935 the election laws, as applied to Wayne county, were again amended abolishing the nominating petition and substituting the filing fee for "candidates for county office or office in the state legislature."[1] A similar provision was imposed by charter amendment for municipal offices in the city of Detroit.[2]

Those who were instrumental in effecting these changes in the election laws believed that the new requirement would tend to deter many frivolous candidates; but none was naive enough to believe that the introduction of the filing fee was a panacea for all primary abuses. There was also a general feeling that these initial provisions were defective in some respects; but, since they were more or less experimental, it was thought expedient to put the acts into operation and to proceed by way of amendment, attempting to strengthen the law as defects appeared in its application. The provision as applied to municipal elections in Detroit produced gratifying results in its initial test.[3] The state law was first applied in September of this year, and its effects upon the conduct of the primary may now be studied.

This note is an attempt to evaluate the law upon the basis of its first application. Attention is directed, first, to the law as a step in the direction of a shorter primary ballot, and second, to features of the law which obviously need strengthening. The conclusions presented here were arrived at from a comparative study of the results of the past three primaries. The writer is well aware that, owing to unsettled political conditions in Wayne county, future primaries conducted under the existing

[1] Public Act No. 60, *Public Acts*, 1935. See "Tightening the Direct Primary," in this REVIEW, Vol. 30, pp. 512–522 (June, 1936).

[2] *Ibid.* [3] *Ibid.*

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laws may produce results not entirely in harmony with his present findings. Persons thoroughly familiar with the political situation in Detroit are agreed upon this point.

The extent to which the deposit requirement tended to shorten the primary ballots may be determined from an analysis of the figures presented in the accompanying tables.[4] In Table I is presented an analysis of the past three primaries in Wayne county. It will be noted that many

TABLE I

WAYNE COUNTY PRIMARIES, 1932–36

Office	*Total Number of Candidates*			*Candidates per Nomination*			*Percentage of Change*		
	1932	1934	1936	1932	1934	1936	1932–34	1934–36	1932–36
State senate	100	172	72	7.2	12.3	5.1	+.72	−.581	−.28
State legislature	196	199	141	4.7	4.7	3.4	+.015	−.291	−.28
County*	100	133	78	5.0	6.0	3.9	+.33	−.413	−.22
Total	396	504	291	5.2	6.5	3.7	+.212	−.423	−.265

* The figures presented in this tabulation represent the numbers of candidates seeking nomination to offices which are filled every two years. There are ten such offices. All others were eliminated in order to obtain as uniform a study over the period as possible.

more candidates sought nomination in the primaries of 1934 than in the presidential year 1932; and that there was in 1936 a perceptible decrease in the number of candidates, in all classes, when compared with the numbers in either of the earlier primaries—a total decrease of 26.5 and 42 per cent, respectively. However, these percentages, standing alone, are not necessarily of great consequence; hence, Tables II and III are presented.

It is of interest to observe a decrease, also, in the number of office-seekers in all categories in these latter tables. But, in contrast, attention must be directed to the fact that the decreases in Table II, all offices where the nominating petition has been retained, are only approximately 25 per cent of the decreases in Wayne county where the fee is mandatory. Likewise, the figures presented in Table III form the basis for a second interesting comparison.

[4] Certain discrepancies will appear if the figures presented here are compared with those in the tables accompanying the note on this subject in the June issue of this REVIEW. These discrepancies arise from slight changes in classifications, which will be noted from the offices listed in the tables, and the exclusion from consideration here of all county offices which are not regularly filled at two-year intervals.

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TABLE II
OUT-STATE PRIMARIES, 1932–36

Office	*Total Number of Candidates*			*Candidates per Nomination*			*Percentage of Change*		
	1932	1934	1936	1932	1934	1936	1932–34	1934–36	1932–36
State senate	100	87	92	2.0	1.7	1.8	−.13	+.058	−.08
State legislature	341	345	321	2.2	2.2	2.0	+.012	−.067	−.059
Total	441	432	413	2.1	2.1	2.0	−.02	−.044	−.063

TABLE III
CONGRESSIONAL PRIMARIES, 1932–36

Office	*Total Number of Candidates*			*Candidates per Nomination*			*Percentage of Change*		
	1932	1934	1936	1932	1934	1936	1932–34	1934–36	1932–36
Wayne county	149	76	75	14.9	7.6	7.5	−.49	−.013	−.496
Out-state	76	60	69	3.2	2.5	2.9	−.21	+.15	−.092
Total	225	136	144	6.6	4.0	4.2	−.39	+.059	−.36

Candidates seeking nomination to Congress do not come within the provisions of the act. Thus, all such candidates, in Wayne county as throughout the state, are required to file nominating petitions; yet the final figures disclose a decrease in the number of congressional candidates from Wayne county, over the four-year period, of approximately 50 per cent, in contrast to a decrease of only 26 per cent in the fee-paying groups. However, in defense of the fee requirement, it must be observed that almost all of the decrease in the number of congressional candidates came in 1934 rather than in 1936, and at a time when the total number of candidates considered in Table I increased by 21 per cent. To emphasize the point further, the decrease in the latter group, following the enactment of the present law, stands in sharp contrast with the two per cent decrease in the number of congressional candidates. Thus, although there were substantial decreases in the number of candidates for all offices in Wayne county, it appears safe to conclude that the decreases in the two groups cannot be attributed to the same causes; and, consequently, the fee system does not stand discredited upon the basis of this comparison. To determine the extent to which these decreases should be directly attributed to the fee system is somewhat more difficult.

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Referring again to Table I, it will be observed that there were more candidates for all local offices in Wayne county in 1934 than in 1932, a presidential year; but that in 1936 there were by far fewer candidates than in either of the two earlier primaries. In view of the increase in 1934 over the numbers in 1932, it would not have been unreasonable to anticipate a further increase in the number of candidates in the primaries of this year. However, in spite of the temptation to attempt to ride into office in the wake of a presidential election, there was an actual decrease of 42 per cent in the number of candidates. This percentage, friends of the idea may conclude, is fairly indicative of the deterrent possibilities of the system. However, this mathematical comparison is not necessarily conclusive.

On the other hand, it may be contended that the figures presented in Table I are meaningless—that the sharp rise in the number of candidates in 1932 and 1934 may be attributed to unemployment, business lag, and consequent political unrest. This argument finds support in the fact that there was an immediate decrease in the number of candidates with the return of economic normality as reflected in the automotive industry. Further support for this proposition will be found in a comparative study of the primaries in the presidential years 1928 and 1936. The latter primary produced 72 candidates for the state senate and 141 candidates for the lower house, while in 1928 only 40 and 138 persons sought nomination to these same bodies—a greater number than appeared in either 1926 or 1930. However, this comparison, which argues against the merits of the filing fee, requires some explanation.

Prior to 1932, Michigan was recognized as a solidly Republican state and, in spite of a large but widely scattered minority, the Democratic party was poorly organized and in many cases inactive. This latter fact was emphasized by the general assumption that nomination in the Republican primary was tantamount to election.[5] Thus, prior to 1932, the Democratic party did not contribute in great numbers to the group of office-seekers; in fact, in 1930, the party did not hold a primary in Wayne county.

However, the party has been rehabilitated and, at the present time, threatens to dominate the political scene in the metropolitan area of the county. This renewed activity has tended to increase the number of candidates on two fronts. The reorganization of the party has not only produced a host of Democratic office-seekers, but, having successfully challenged Republican leadership from without, has encouraged challengers for

[5] In the election of November, 1930, the Republican party elected a United States senator, made a clean sweep of all state offices, elected Michigan's 13 congressmen, and claimed 31 of the 32 seats in the state senate and 98 of the 100 seats in the house.

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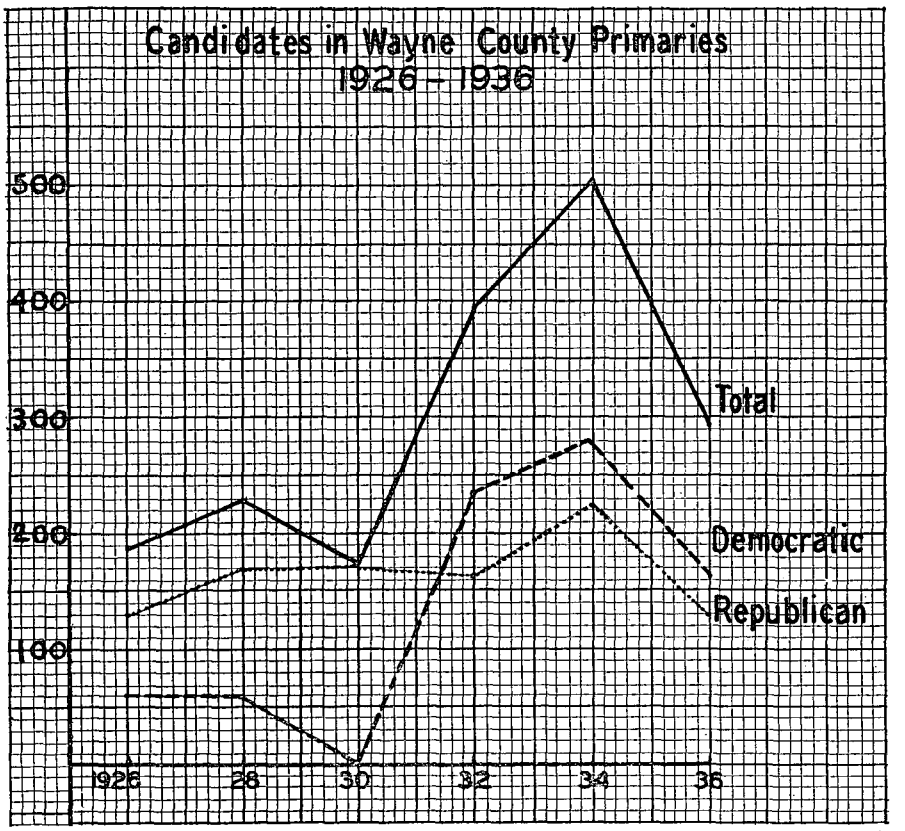
leadership within the ranks of the party and thus increased also the number of Republican candidates. Economic conditions and intra-party contests for leadership have undoubtedly contributed to the unfortunate situation; yet the writer is convinced that partisan politics in Wayne county will not, in the immediate future, assume its pre-depression quietude.

Economic and political factors which were, in part, responsible for the sharp increases in the numbers of candidates between 1930 and 1934 have



undoubtedly contributed to the decreases evidenced in the last primary. With so many contributing factors, it is extremely difficult to evaluate the influences of any one; yet, in view of all the facts, the decreases which may be attributed to the fee system are probably fairly accurately reflected in the net change from 1932 to 1936—a decrease of 26.5 per cent. This conclusion is shared by election officials and seasoned political observers and finds some support in the reactions of the candidates. A poll

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of approximately one-half of the candidates revealed that 53 per cent of those questioned believed that the fee tended to discourage self-seeking candidates, thus tending to decrease the total number; 40 per cent thought that it made little or no difference.

In addition to its influence in decreasing the number of candidates, two other features of the fee system are deserving of notice. As originally conceived, the signature petition was supposedly indicative of the candidate's popularity and his standing in the community. However, these commendable features were destroyed with the introduction of "petition pushing" tactics, and the filing of signatures became recognized as a matter of legal routine. In many cases, petitions were filed which all parties recognized to be of spurious character. In an attempt to stamp out these undesirable practices, signatures were limited in some jurisdictions, including the city of Detroit, to those of registered voters, and the petitions were checked against registration lists for the purpose of eliminating spurious signatures. This requirement placed a heavy financial burden upon the city and, in many cases, disqualified innocent candidates. The deposit requirement in these jurisdictions protects the candidate from disqualification because of the misdirected enthusiasm of his supporters and at the same time returns a neat saving to the city.

In the second place, prior to the introduction of the direct primary, the candidates or the parties were compelled to assume all expenses incidental to nominations; but, with the change in nominating methods, these costs were passed on to the public. Without reference to the merits of the proposal, it may be observed that the deposit system affords an opportunity to return this item, in part, to the candidates. In the municipal primary of 1935, considered together, these two factors, i.e., forfeited deposits and the elimination of signature petitions, returned to the city of Detroit a net saving of $22,000.[6] Since petitions filed for qualification in the general primaries were not required to be checked under the old law, the saving to the county in the recent primary was somewhat less; however, something over $10,000 was realized from forfeited deposits.

Even though we may safely conclude that the present law was instrumental in decreasing the number of office-seekers and introduced some incidental reforms, the net result is nevertheless discouraging. The primary ballots carried the names of well over 300 candidates.[7] "Everybody

[6] Personal letter from Oakey E. Distin, chief supervisor, City Election Commission, Detroit.

[7] The length of the ballots varied somewhat from district to district depending upon the numbers seeking nomination to Congress and the two houses of the state legislature. In a district picked at random in the city of Detroit, the ballots carried the names of 122 and 187 Republican and Democratic candidates, respectively. In addition to the list of county offices to which nominations are made regularly each two years, the 1936 ballots carried the names of 59 candidates—each party to

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in Wayne county, including seasoned politicians and newspaper men, admit surprise and amazement at the large number of candidates whose names were filed July 28 last, the last filing day. The number of candidacies filed that day was almost beyond belief. We explain the fact by citing: (1) continuance of unemployment, with a natural desire on the part of various people to get on the public payroll; (2) the intense popular interest in all political subjects throughout our land, with consequent interest in public offices; (3) partisan rivalries and controversies which have kindled intense bitterness of feeling among various factions and leaders, leading to promotion of impossible candidacies; (4) the belief in many cases that the self-advertising, self-starting candidate who got his name on the ballot would have his fee returned because of the high rating from the voters which he foolishly anticipated."[8]

This accurate and impartial summary of the situation in Wayne county emphasizes two glaring weaknesses in the present law. In the first place, the operation of the law not only permits, but actually encourages, late filing; and, in the second place, the act does not sufficiently impress upon the would-be candidate that he, in filing for office, assumes a public responsibility and a financial obligation. Either of these deficiencies is fraught with possibilities for abuse, and to that extent brings the nominating system into disrepute and weakens the deterrent effects of the filing fee.

Office-seekers in almost all cases filed late for one of two reasons. Knowing that many candidates are induced to enter only after there has been opportunity to judge the strength of the opposition and that many entries are mere "spite" candidacies, the office-seeker attempted to outwait, and thus outwit, all possible opponents. In other cases, the late entrant had determined to be a candidate for public office, but delayed his decision as to the particular office, hoping to promote his candidacy through an opportune last minute choice. Late filing tends, undoubtedly, to produce confusion and inconvenience rather than positive evils; but the nuisance possibilities can be eliminated, without working injustice to any candidate, by an amendment requiring that the lists shall not be made public until the expiration of the filing date.

The second weakness is of far greater import and lends itself more readily to actual abuse. As stated above, the law does not impress the

nominate six—seeking nomination as circuit court commissioners. For discrepancies in total numbers, see footnote 5 and explanatory note following Table I.

The ballots in the November election carried, on an average, 235 names arranged in vertical columns under the emblems of 12 different parties. Four additional parties qualified for a place on the ballot by filing vignettes with the secretary of state but for one reason or another did not certify a slate of candidates.

[8] Personal letter from W. P. Lovett, executive secretary, Detroit Citizens' League.

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candidate with a sense of either public responsibility or financial obligation; and thus not only are the deterring possibilities minimized, but the act, as interpreted, encourages manipulation by the unscrupulous candidate. This weakness may be attributed to the fact that only a nominal fee is required for filing, and to the liberality of the refund provisions.

Two features of the refund provisions are open to criticism because they tend to destroy the deterrent effects of the act, and one, in addition, because it lends itself to positive abuses not generally practiced under the petition system. The law provides that any candidate who "shall have been nominated or shall have received 50 per cent of the total vote received by the winning candidate" shall have his deposit refunded. In many cases, this feature of the law encourages candidacies, especially if the lists are open to scrutiny. In case several candidates are entered, additional ones are encouraged to file, each believing that the split vote will entitle him to a refund. Figures from the recent primary substantiate this belief. This problem is more evident when several nominations are made on a general slate, as illustrated by the election of 17 members at large to the state legislature from the city of Detroit.[9] The charter clause recognizes the problem of plural nominations and provides that any candidate who "shall have received a number of votes equal to not less than 50 per cent of the total vote cast for the *successful nominee receiving the lowest number of votes*" shall be entitled to a refund.[10] The state law carries no such provision, but has been construed, in cases of plural nominations, to entitle any candidate to a refund who receives a total vote equal to 50 per cent of the vote cast for the last nominee. In view of this interpretation, the deterrent effects of the act are practically nullified.

This point may be substantiated by reference to the Democratic primary in the first legislative district. Seventy-seven candidates qualified for the primary, in which 17 nominations were to be made on a general slate. The vote in the district was so widely scattered that the first candidate to be nominated received a total of 45,845 votes, whereas a little less than 27,000 votes were sufficient to nominate the seventeenth candidate. The net result was that, of the 77 candidates who made deposits, 65 received refunds. Candidates for all offices deposited a total of $29,050, of which only $10,100 was forfeited.[11] This feature of the law, which permits liberal refunds, is criticized only in so far as it defeats the original

[9] The Michigan constitution provides: "When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect by general ticket the number of representatives to which it is entitled." Art. V, sec. 3.

[10] *Charter of the City of Detroit*, Title II, Chap. 2, sec. 3 (as amended April 1, 1835). Italics in quotation are mine.

[11] Candidates for city office in the municipal primary of 1935 deposited a total of $10,950, of which $9,550 was returned by the city.

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purpose of the act; but the second feature relating to refunds presents a more serious question in that it is actually conducive to positive abuses.

Under Michigan law, a candidate may, if he so desires, withdraw his candidacy and his name will not appear upon the primary ballot. For this purpose he is allowed a period of three days immediately following the last open date for filing. This provision remained unaffected by the act requiring the deposit for qualification, and thus the question as to whether or not a candidate was entitled, if he withdrew within the three-day period, to a refund was left unanswered. In the absence of statutory direction, the election commission ruled in favor of refunds and thereby cleared the way for two types of abuses.

The "shopping" candidate was permitted to file for two or more offices, study his possibilities for three days after all nominations were filed, and then save his deposits by withdrawing in those cases where competition appeared too formidable. One candidate, taking advantage of this feature of the law, filed for five offices and recovered his deposits in four cases.

The open lists, combined with the right to withdraw without penalty, encouraged the vicious practice of entering "dummy" candidates. The enterprising candidate would file in his own right and then induce a group of his followers to file for the same office, hoping thereby to eliminate any real opposition. With the expiration of the filing date, the "dummy" candidates were withdrawn and refunds assured. To what extent this ruse was actually practiced or the extent of its success cannot be ascertained. However, it is well known that one candidate filed for himself and, in addition, for two men with names politically popular in the Polish sections of his district, and entered, also, a candidate named "Murphy." This was a formidable combination; needless to say, no other candidates entered, the three "dummies" were withdrawn, and the original candidate was unopposed in the primary. All in all, the sum of $4,800 was returned to candidates who withdrew after having qualified.

The obvious weaknesses in the present law demonstrate the necessity for amendment if the fee system is to merit continued respect. Few persons desire a return to the nominating petition with its recognized abuses. With few exceptions, the candidates favor retention of the deposit; likewise, the system has the support of almost all civic organizations and election officials.[12] With public opinion definitely aligned in its support, it is only reasonable to believe that the fee system will be retained and gradually strengthened, if not to increase its deterrent possibilities, at least to eliminate the present opportunities for abuse.[13]

[12] The Conference for the Protection of Civil Rights was outspoken in its opposition to the deposit requirement. However, its criticism was not relevant in that its objections centered around the right of the minor parties to a place upon the ballot and the Michigan law does not require such parties to hold primaries.

[13] An election commission, created to study existing laws and report recom-

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From his own observations and the responses of both candidates and officials, the writer believes that undue criticism would not be aroused if the amount of the fee were doubled and refunds made much more uncertain. However, it is generally acknowledged that the greatest defects in the law are to be found in its refund provisions, especially as interpreted in cases of withdrawals and plural nominations, and that these features should be remedied before any attempt is made to increase the deposit requirement. Whether or not primary ballots can be reduced to reasonable proportions through a proper application of the present principle is a debatable question. But this is certain, that a shorter primary ballot in our more populous areas can be had only through more stringent statutory control; and the results of the first tests of the fee system are such as to encourage further experimentation along these lines.

HAROLD M. DORR.

University of Michigan.

Sufficiency Certification of Initiative Signatures in Oklahoma. The establishment of equitable rules whereby the constitutional rights of affected interests may be protected against arbitrary invasion from laws adopted by the electorate under the reserved legislative powers of the initiative and referendum remains the most important procedural question in the whole field of direct legislation. In reserving the authority to initiate constitutional and statutory measures without the approval or consent of the popular assembly, and to enact such measures through the medium of a popular referendum, the popular sovereign has created a mechanic of legislation coördinate in authority with the legislature. But in erecting barriers against fraudulent and corrupt practices upon the part of those engaged in the initiation of proposed measures, the state constitutions and laws present the possibility of obstructionist tactics by opponents of the proposals and undue delay in the presentation of the measures to the electorates for decision.[1] The recent political imbroglio in Oklahoma over the adoption of an old-age-pensions amendment to the state constitution emphasizes the difficulties of reconciling these conflicting interests.

On August 13, 1935, Ira Finley, of the Veterans of Industry of America (known as the V. I. A.), and Tom Cheek, of the Farmers' Union, filed with the secretary of state over nine thousand pamphlets, alleging them to contain the valid signatures of 180,364 qualified voters of the state.[2]

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mendations to the 1937 session of the legislature, passed over the act hurriedly and, to date, has formulated no recommendation concerning the filing fee.

[1] The same issue arises in the operation of the recall. See F. L. Bird and Frances Ryan, *The Recall of Public Officers* (1930), pp. 313–341.

[2] This number was practically double that necessary for fulfilling the requirements of the statutes.

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The proposed measure provided for: (1) the payment of pensions to male and female citizens over 60 and 55 years of age, respectively, under certain qualifications relative to pecuniary income and length of residence in the state; (2) the creation of a "commission for old age pensions and security"; and (3) the laying of privilege taxes to provide the necessary revenue.[3] Oklahoma uses the Oregon system of uniform lists or pamphlets upon each of which there are spaces for twenty signatures.[4]

On August 16, J. M. Ashton, researcher and statistician for the Oklahoma Chamber of Commerce, protested the sufficiency of the signatures on nineteen counts.[5] At the same time, he loosed a blast of propaganda against the petition.[6] The protestant moved into the secretary of state's office with a considerable corps of clerical workers and handwriting experts. The certifying official granted a general hearing, which took place on August 21 and 30. In these sessions, the agent of the Chamber of Commerce presented arguments in favor of a detailed hearing. The request was finally granted, and the detailed hearings were instituted on September 4.[7]

In the meantime, the secretary of state was holding hearings on two other initiated measures—a homestead exemption and a municipal utility bond petition. The latter would have permitted municipal officials, without popular approval, to issue bonds for the construction of electricity distribution systems. The private utility interests fought the certification of its signatures, but they worked under cover. Finally, W. C. Bryant, sponsor of the measure, petitioned the supreme court to issue a mandamus writ ordering the secretary of state to certify to the sufficiency of signa-

[3] The complete text of the proposed measure is to be found in Associated Industries of Oklahoma *et al.* v. Oklahoma Tax Commission, 77 Okla. App. Ct. Rep. 383 (Feb. 21, 1936, No. 7); *Daily Oklahoman*, September 20, 1935, and February 19, 1936.

[4] See J. D. Barnett, *The Operation of the Initiative, Referendum, and Recall in Oregon* (1915), pp. 227–240; A. H. Eaton, *The Oregon System* (1912), pp. 13–15; Charles A. Beard and Birl E. Shultz, *Documents on the State-Wide Initiative, Referendum, and Recall* (1912), pp. 79–94. The Oklahoma statutory provisions are found in *Oklahoma Statutes, 1931*, Vol. 1, ch. 30.

[5] Among the irregularities charged in the protest were (a) fictitious names, (b) duplication of signatures, (c) existence of many pamphlets not bearing a true copy of original petition, (d) cases in which the circulators were also the notaries public who attested the legality of the signatures, (e) a large number of forgeries, and (f) omission of post-office addresses for many signatures. In all, Ashton charged that a sufficient number of the 180,000 signatures were spurious to fail to satisfy the requirements for 96,000 bona fide signatures.

[6] His first professional observation was that the measure would necessitate annual revenue to the amount of $36,000,000. This obviously erroneous figure was based upon the assumption that, in effect, one-half of the persons of the age categories in Oklahoma were without money income in any degree. A truly brilliant statistical conclusion, that, but it certainly was far from experimental accuracy.

[7] *Daily Oklahoman*, September 5, 1935.

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tures; but the court refused to grant the plea.[8] The court had, in 1933, issued a like writ in the squabble over certification of a recall petition that sought the removal of four Oklahoma City councilmen.[9] The same issue, obstruction, was involved in both cases. A reconciliation of the decisions would be a difficult task, though both apparently result from interpretations of "reasonableness."

One may rightly sympathize with the secretary of state, who sought to reach a fair decision on the matter. A special election had already been proclaimed for September 24.[10] Considerable pressure was applied to this official to close the hearing and certify the petition, to the end that the old-age-pensions measure might be placed upon the ballot. The protestants were equally desirous of prolonging the hearings so as to prevent such a culmination. Long and tiresome arguments ensued; picayunish objections were made. The hearing practically bogged down before Carter, the certifying official, asked the attorney-general for an opinion as to the procedure that he might legally follow. The law officer's instructions were issued on September 9, just a fortnight before the impending election.[11]

[8] State *ex rel.* Bryant v. Carter, Secretary of State, 49 Pac. (2d), 217. In denying Bryant's plea, the court said: "It is the duty of the secretary of state to hear and determine said protest within a reasonable time and without unnecessary delay, having due regard for circumstances, and unless said official unreasonably, arbitrarily, and capriciously postpones said hearing and determination, this court will not issue a writ of mandamus to require a hearing and determination prior to date fixed by said official for such hearing."

[9] State *ex rel.* Bass v. Pulliam, City Clerk, *et al.*, 25 Pac. (2d), 64. In holding the petitions sufficient after the expiration of the statutory period of ten days, the court said: "The initiative, referendum, and recall provisions of law are features of a progressive government. These features are intended to safeguard to the principal, the people, an effective check and control over office-holders, mere agents and representatives of the people. . . . To permit such delay as here involved, . . . would be to defeat the object and purpose of a recall provision of the basic law, which basic law all of the officials of the city are sworn to uphold and defend."

[10] Five other measures—three initiative and two statutory—were already qualified for the referenda election.

[11] A digest of this detailed opinion appeared in the *Daily Oklahoman*, September 10. It was, as follows:

"One. Payment of a fee to circulators does not invalidate a petition or any part of it.

Two. Where the question is printed upon the petition, erroneous statements by the circulator do not invalidate a signature.

Three. Signers do not have to specify the county in which they live.

Four. Where a circulator fails to have his signature verified, all signatures upon the pamphlet are invalid.

Five. It is not necessary for the circulator to give his exact address.

Six. A signer may print his own name and it will constitute his signature.

Seven. Street addresses of signers are not necessary.

Eight. Name of town of signer must be given.

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As the detailed hearing neared the election deadline, the political pressure for certification became stronger. Carter gave the impression that he was invalidating whole pamphlets upon the recommendation of the attorney-general. Being also an elected official, the latter did not care to assume such responsibility. Accordingly, he attended the hearings and informed Carter that the latter might use his discretion in invalidating whole pamphlets and that the instructions merely outlined the discretionary powers of the secretary of state. Being the central political figure, the governor felt that he might be blamed if the measure were not placed upon the ballot for the special election. From time to time, he publicly announced his willingness to place the measure before the voters. Finally, on September 17, he issued a proclamation placing the measure upon the ballot, despite the fact that the secretary had not certified to the sufficiency of the signatures. In commenting upon the proclamation, Governor Marland declared that the "protestants have unnecessarily and unlawfully, and contrary to the letter and spirit of the constitutional and statutory provisions guaranteeing the right of initiative and referendum, hindered and delayed the decision of the secretary of state on the sufficiency of said petition. . . . "[12]

Governor Marland had a partial precedent in the action of Governor Murray in placing an initiated measure upon the ballot in the "Firebells" campaign of 1931, despite the fact that an appeal from the secretary of state's sufficiency certification was then pending in the supreme court. The measure failed of adoption in the election, and the appeal was withdrawn.[13]

Nine. An illegible signature is not invalid.

Ten. A signature made by a mark is not valid unless properly witnessed.

Eleven. This section dealt with authority of the secretary to throw out entire pamphlets. In addition, it provided for names to be counted where it appeared the same person had signed more than one pamphlet or had signed the same pamphlet with the same name.

Twelve. The fact that the summary copy of the names was not readable did not effect legality of the signed names.

Thirteen. The presumption was that the signer was a qualified elector, and he does not have to be a registered voter to sign a petition."

[12] Associated Industries of Oklahoma *et al.* v. Oklahoma Tax Commission, 77 Okla. App. Ct. Rep. 383 (Feb. 21, 1936, No. 7). The governor even went so far as to question the appropriateness of the whole statutory procedure in regard to certification. "The opponents have hired high-priced lawyers and handwriting experts with a flock of microscopes to pass on the validity of signatures to invalidate the petition. It is humanly impossible to determine the validity of 100,000 signatures in that length of time. In my judgment, a sufficient number signed to warrant my putting the petition on the ballot." *Daily Oklahoman*, September 18, 1935.

[13] See *Daily Oklahoman*, August 30, 1935; *Directory of the State of Oklahoma, 1935*, pp. 131, 132.

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With but one week intervening between the proclamation and the election, there was little real campaigning.[14] When the ballots were counted, they stood 204,522 for, and 78,783 against, the measure. Despite the plain mandate of the election, the secretary of state continued the detailed hearing until October 24, one month to a day after the election. Then he held the signatures sufficient. This phase of the issue was thereby terminated, but another interested party, the Associated Industries of Oklahoma, entered the scene with an application for an injunction to restrain the state tax commission from collecting the taxes levied by the amendment.

In general, the decision features four important rules relative to the procedural requirements for legal submission of initiated petitions.[15] First, the court reiterated its contention that the initiative provisions of the state constitution are not self-executory.[16] Though admitting the possibility of some delay if the legislative restrictions were followed, the court declared that "the purpose of the legislative provisions was to establish an orderly procedure for the exercise of the right of initiative and referendum by the people and to prevent fraud and corruption in the submission of such measures." There was also the danger of too hasty consideration of changes in the basic law, which the legislative provisions would serve to prevent. The right of protest, hearing, and appeal to the courts was, therefore, fundamental to the orderly operation of the initiative.

The second rule resulting from the decision was that an initiated measure cannot be submitted to the voters until the attorney-general has passed upon the ballot title. The title must, by law, reveal the vital provisions of the measure. The statutes provide for an appeal from the decision of the attorney-general to the supreme court. And although the court ruled that it did not have to determine this question in regard to the case at bar, it used considerable space in commenting upon it "for the purpose of pointing out the importance of a substantial compliance with the constitutional and statutory provisions. . . . " None should be in doubt as to the plain meaning of this *dictum*.

Third, the court's decision left no doubt as to who should judge the

[14] However, Finley stated that he sent 150,000 copies of *Labor's Voice*, the official V. I. A. publication, to the members of the organization, urging them to vote for the amendment. The governor also made one speech in favor of the measure. The opposition relied upon radio appeals.

[15] Associated Industries of Oklahoma *et al.* v. Oklahoma Tax Commission, 77 Okla. App. Ct. Rep. 383 (Feb. 21, 1935. No. 7).

[16] Atwater v. Hassett, 27 Okla. 292; *ex parte* Wagner, 21 Okla. 33; Norris v. Cross, 25 Okla. 287; Threadgill v. Cross, 26 Okla. 403; *in re* Initiative State Question No. 10, 26 Okla. 554; Oklahoma City v. Shields, 22 Okla. 265; *in re* Menefee, 22 Okla. 365; Rakowski v. Wagoner, 24 Okla. 282; State v. Brown, 24 Okla. 433.

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validity of pre-election procedure. When Governor Marland issued his proclamation putting the measure upon the ballot, he usurped the judicial function. "To hold that the governor had such authority at that time," reads the opinion, "would effectually strike down and make meaningless and useless the procedural provisions. . . . " The governor's duties, therefore, were made contingent upon the prior decisions of the secretary of state, the attorney-general, and, in case of appeal, the supreme court. His discretion can be exercised only after preliminary decisions upon the part of these officers. The governor's proclamation was, therefore, wholly without legal force.

Finally, the court held that the result of an illegal election could not have the effect of establishing its legality. It was the expressed hope of the measure's supporters that a tremendous favorable majority might influence the court's decision. The governor was reported as remarking that "the way the people vote may have something to do with the supreme court."[17] The respondents relied upon the established rule that irregularities in elections do not serve to defeat the popular will.[18] The same rule obtains in some states in regard to an officer's answer to impeachment charges for acts committed prior to his last reëlection to office.[19] Popular favor serves, thereby, to purify and condone misfeasance and maladministration. However, in this case, the court drew the line between the elections that were properly called and those for which there was no legal basis. The decision reiterated the rule that the electorate can give neither approval nor disapproval to a measure that has not been legally submitted to it.[20]

CORTEZ A. M. EWING.

University of Oklahoma.

[17] *Daily Oklahoman*, September 18, 1935.

[18] Town of Grove v. Haskell, 24 Okla. 707; City of Ardmore v. State, 24 Okla. 862; Lamb v. Palmer, 79 Okla. 68.

[19] See my "The Impeachment of Col. W. H. McGaughey, 1893," *Southwestern Soc. Sci. Quar.*, Vol. 15, pp. 52–63 (June, 1934).

[20] The same question was involved in the adoption of an initiated measure to permit the state legislature to convene itself in special session without awaiting the official call of the governor. The amendment was held unconstitutional in Simpson v. Hill, 128 Okla. 90.

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Letters to the Editor as a Means of Measuring the Effectiveness of Propaganda.[1] In spite of the enormous literature on propaganda recently surveyed by a committee of the Social Science Research Council,[2] there has not as yet emerged a generally accepted definition of propaganda. Consequently, any discussion in this field requires at the outset some statement or general indication of what one is dealing with, in order to reduce misunderstanding. As political scientists, we are taking a strictly pragmatic view of propaganda, as completely removed as possible from the area of psychological controversies. We have, for the purposes of our studies, considered only such propaganda as is manifested in the organized activities involved in efforts to get people to take a particular step, such as to vote for Roosevelt, or to abstain from objecting to a particular step, such as the United States' entry into the World War.[3] These efforts, when promotional, may be denominated "a propaganda campaign." Such a campaign proceeds by the organized dissemination of propaganda appeals. But these same appeals can, and do, operate without any organized promotion; and still they tend to influence those whom they reach.[4] Many different kinds of individuals carry these appeals—teachers, writers, gossips, etc. From the viewpoint of propaganda analysis, they may be called "propagandizers." In the course of a typical campaign, there appear propagandizers who indulge in various activities which are significant in spite of their unorganized nature. Different is the propagandist who participates in a propaganda campaign.

It is little short of remarkable that with the enormous amount of this type of activity in our modern world, so few efforts should have been made to determine the extent to which these activities are successful.

[1] The following paper is a result of a larger project of research under a grant from the Committee on Research in the Social Sciences at Harvard University. This project is being carried on jointly and severally by Gordon W. Allport, H. Schuyler Foster, Jr., Carl J. Friedrich, E. Pendleton Herring, and R. L. Schanck. While we have profited from the discussions with our associates, responsibility for this paper is assumed exclusively by the authors.

[2] See Lasswell, Casey, and Smith, *Propaganda and Promotional Activities* (University of Minnesota Press, 1935).

[3] The psychological problems of propaganda, such as the "manipulation of attitudes," are thus omitted. Likewise omitted are, of course, other types of organized activities which are involved in efforts to get people to take a particular step, without manifesting propaganda, such as corruption and physical coercion.

[4] The distinction made by some writers between "intentional propaganda" and "unintentional propaganda" seems not to be helpful, for two reasons: (1) such a distinction suggests that either the stuff (appeals) of propaganda or the effect of propaganda is different, depending upon the presence or absence of intention; and (2) the practical difficulty of determining the presence or absence of intention in a specified case is well-nigh insuperable.

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Propaganda shares this fate with its nearest kin: indirect-action advertising.[5] Now indirect-action advertising is, speaking logically, a species of the genus propaganda, for it seeks to get people to buy something, rather than to vote for somebody, etc. In spite of the enormous sums expended in that type of advertising, for which the public utilities are typical, there is as yet rather little known about the effectiveness of such endeavors.[6] Since the commercial interests paying for this advertising are very large, it stands to reason that the failure to ascertain the effectiveness of such advertising is at least in part due to the difficulties involved in measuring that effectiveness. Attempts have been made to cope with the advertising phase of this problem by setting up large-scale interview testing. It is doubtful whether similar methods would be as successful for testing propaganda. People appear to be much less ready to respond, or able to describe their own reactions correctly. Besides, the method is rather costly. What we really need is something on the order of a thermometer, which would more or less automatically register the looked-for change.

If a propaganda campaign is set on foot with a view to getting people to do something, the first thing which has to be accomplished is to get people to take notice. It is a matter of catching their attention, then of arousing their interest. The following study of "Letters to the Editor" seeks to show that the letters to the editor, when taken together, provide us with such a thermometer, indicating the amount of "heat" (to stay in our simile) which a certain issue is generating. A cross-section of a fair number of newspapers will, through their letters-to-the-editor columns, indicate the extent to which interest is being aroused. This may seem intrinsically probable; and so it is. But only by a careful analysis of material was this thesis finally worked out. The following is a selection of some of the more important data that we perused, and the conclusions that we drew from that perusal.

Three investigations afforded these data: comparison of published and unpublished letters to the editor of an important metropolitan daily, covering all issues treated during the period of examination; study of the letters on the Massachusetts Teachers' Oath Bill appearing in many papers; and analysis of the letters referring to the Child Labor Amendment in a single Boston newspaper.

[5] Indirect-action advertising is based on general appeals as contrasted with direct-action advertising, where the reader or radio listener is asked to write to the advertiser for a sample and the like.

[6] Very interesting along this line are the activities of Dr. Gallup, recently sprung into national fame through his cleverly devised American Institute of Public Opinion, the findings of which are published in many newspapers throughout the country.

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It is well known that these letters to the editor are usually propagandist. The writer is so concerned about his subject that he tries to convince his fellow-citizens that his interpretation of the matter is correct. But if these letters have a thermometric value, we want to know whether the concern of the letter-writer reflects the concern of a significant portion of the community—that is, whether the appearance of the letters points to the existence of an effective propaganda.

One approach toward answering this question is to compare the letters published with those received by newspaper editors. This approach involved the coöperation of an editor, and several were asked[7] as to their policies. As might be expected, all the editors who responded to inquiries indicated that there was no distortion by editorial bias in selecting letters for publication. One editor summed up a fairly general policy in these words: "We print less than half of the letters received. Publication generally depends on two things: first, what is said in the letter, and second, who signs it." The letters of his paper were examined, and 169 published and 169 unpublished letters were analyzed, covering the months of August, September, and October, 1935. The results are given in the following table.

TABLE I

Contents of Letters	*Published*	*Unpublished*
New Deal		
pro	7	4
con	49	38
non-committal	3	0
Governor James Curley		
pro	1	0
con	8	14
Italo-Ethiopian War	3	8
Utilities and Holding Companies	6	4
Other	92	101

This editor seems to have reduced the degree of popular emphasis upon the war in Africa, and to have spared the public the total number of attacks on Governor Curley, but we find no evidence of significant distortion in selection for publication. With respect to the New Deal, and even with respect to Governor Curley, the direction of opinion in the published and unpublished classes is substantially similar.

[7] Boston *Globe*, Boston *Herald* (no answer), Boston *Post*, Boston *Transcript*, Boston *Traveler*, *Christian Science Monitor*, New York *American* (no answer), New York *Herald-Tribune* (no answer), New York *Sun*, New York *Times*, New York *World-Telegram*.

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Only the four topics specified in the table stood out as the chief objects of public interest. Aside from half a dozen letters on the treatment of the Jews under the Nazi régime and four about Father Coughlin, there was no single "other" topic (despite the large total for that class) which was written about by more than two or three persons. Some of the miscellaneous letters were about Russia, Henry George, traffic conditions, and the Esplanade concerts. Some were illegible; others came from cranks on religion, genealogy, or gambling. The significant thing is that each of the four outstanding topics was the current subject of an active propaganda campaign.

So well known is the tendency of letters to the editor to be protests that in some newspapers the so-called "Vox Populi" column is known as the "Safety Valve." Our investigation shows that most letters are "agin" something or somebody, be it war, Curley, the New Deal, Father Coughlin, or gambling. Of course, there are replies to these protestors when certain issues are raised. In most cases investigated, the protests or objections are against some new law, such as the Holding Companies Act, or something not so old as to have become customary, such as the New Deal, Governor Curley, or a new gambling scheme.

It is also true that the selection policy of the editor seems to lean in favor of letters which discuss the problem under consideration in concrete terms. Letters suggesting "Let us do this or that" were classed as "activist," and those simply stating "I don't like this" were classed as "negativist." Of the unpublished letters, only 31 per cent were activist, while 53 per cent of the published letters belonged to this category.

The question is not, "Aren't these letter-writers cranks or constitutional objectors?," but, "Aren't the subjects which elicit the greater totals of letters precisely those which have been connected with a considerable volume of propaganda?" The answer seems to be, "Yes."

The further effort was made to determine, from evidences within the letters, the occasion which prompted the writer. About two-thirds of the letters mentioned the occasion, and the results are given in the table on the following page.

It is not surprising that the newspaper itself conveyed the most frequent stimulus to write to the editor. Practically half of the published letters referred to news items, other letters, or to editorials. Examination of the letters themselves indicates that, in fact, most specimens in the "none-mentioned" class were based upon news items, while a few might belong to the "general knowledge" class, indicating awareness of a definite occasion, such as "There is a Russian coal-boat unloading in the harbor." There seems to be a relative paucity of letters prompted by appeals disseminated through other publications and such media as public speech. But nowhere is there even a suspicion that the newspaper might

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TABLE II

Occasion for Writing	*Published*	*Unpublished*
News items	43	49
Letters to the editor	20	13
Editorials	18	8
General knowledge	2	9
Personal experience	6	8
Common report	1	4
Public event	5	3
Speech or lecture	2	3
Magazine article	6	3
Radio	0	2
Private letters	2	2
Advertising	1	1
Books	7	1
Government reports	2	0
None mentioned	54	63

have been actuated by jealousy of a rival medium for the dissemination of fact or fancy.

That the letters are especially responsive to representations appearing in the news columns was further revealed as an incidental result of a parallel investigation concerned with the appeals utilized in the propaganda raging about the Massachusetts Teachers' Oath Bill during the summer of 1935. A number of newspapers were involved in this investigation, and the results of this more extensive analysis point even more steadily to the conclusion suggested by the intensive study of the single metropolitan daily. All Boston newspapers were represented in the clipping collection of the realistic lobby organization which furnished these data.

During the summer, there were among the data 92 news items pertaining to the oath bill, 43 letters, and 22 editorials. The question was under consideration by legislative committees and in the two chambers of the General Court during April and May, and the final vote came in June. Expressions of public interest tapered off during the months of summer vacation, but reappeared when academic life was resumed and presented an occasion for the enforcement of the new law.

The accompanying graph shows the respective frequencies, by months, of these three types of newspaper feature. The graph demonstrates the sensitive fashion in which the number of letters to the editors of the various newspapers indicates the trend in the number of news items devoted to this subject. The letters proved a more faithful index than the editorials, especially with respect to the October increase.

Another investigation, this time of a single issue in a single paper, shows some interesting variations on the central theme. Massachusetts was

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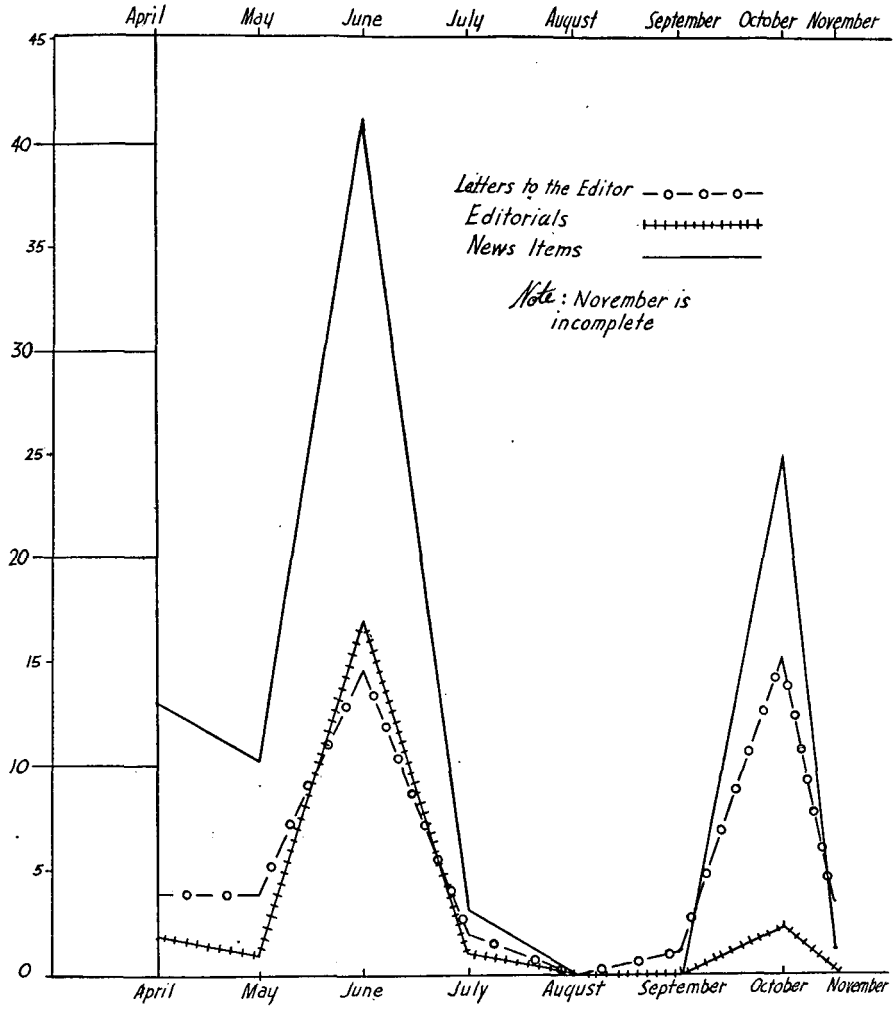
among the first states to consider the national Child Labor Amendment which was proposed to the states in June, 1924. At the regular election in November of that year, voters of the Commonwealth participated in a "public policy referendum," the results of which were followed by the General Court in rejecting the proposed amendment.



Starting with a vigorous epistle opposed to the amendment, a series of 25 letters extended from July through December. Their distribution is given by months in the following table, which shows how the letters appeared in a crescendo leading to the voting crisis, which was followed by a brief post-mortem.

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TABLE III

CHILD LABOR AMENDMENT LETTERS

Month	*Total*	*For*	*Doubtful*	*Against*
July	2	1		1
August	3	2		1
September	7	4		3
October	7	3		4
November	2	2		0
December	4	0	2	2
Total	25	12	2	11

The alternation of a letter or two for, and then a letter or two against, the amendment was a feature of the publication policy with respect to these letters. It is common knowledge that editors follow this practice of encouraging debate within the column to maintain high reader interest in the paper. In this instance, about half of the letters were in response to other letters, while the normal stimulation from this source has been shown to be only about 12 per cent. The prompting of the 25 child labor letters is given in the following table:

TABLE IV

OCCASION FOR WRITING

Letters to the editor	13
Not given	5
Other (pamphlets, etc.)	4
Newspaper items	2
Editorials	1
Total	25

The explanation of the relatively large number of letters stimulated by other letters may lie in the fact that eight were signed by representatives or organizations which were lobbying for (7 letters) and against (1 letter) the amendment. In this case, the popular response seems less spontaneous than normal. It may be remembered that the occasion for the vote on child labor was somewhat less concrete than others. In our earlier cases, the New Deal was in actual operation, war was actually breaking out, Curley was doing fresh things from day to day. But the children were merely working as usual, even outside of Massachusetts, where the law was already more restrictive than the average. Political etiquette and political sense caution against replying in the letter column to every allegation brought against the governor or the New Deal. It is quite proper, however, for organizations to take a stand on a non-partisan principle and to wage war in its behalf.

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The interesting sequel to this propaganda campaign, from our standpoint, is the size of the vote cast in the referenda held along with the presidential and gubernatorial elections. No letter referring to the other six referenda appeared in the columns of this paper. The total votes were: requirement of a bond for the handling of certain moneys, 622,329; correction of the constitution on woman suffrage, 703,418; on office-holding by women, 740,121; gasoline tax, 827,726; liquor law, 904,149; daylight saving, 924,485; and child labor amendment, 943,340. And the child labor vote was not a close one. The amendment was defeated nearly three to one, a far wider margin than in any of the other six instances. Normally, the closer the election, the higher the vote. It seems that this issue had attracted a considerable measure of public attention and concern.[8]

If it be thought that this instrument measures situations which provoke propaganda, rather than the effectiveness of the propaganda itself, two observations may be apposite. What is regarded as a "situation" is frequently the result of a propaganda campaign. Also, many "situations" arise, such as the voting crisis with respect to the bond requirement, or a compulsory referendum on the calling of a constitutional convention every twenty years, which are not the signal for the release of propaganda, or which do not evoke propaganda effective in stirring the interest of the public.

It is possible that the editor may refuse to publish letters on a particular issue, and sometimes he does so.[9] It is possible that he may write or inspire letters to himself, and sometimes he does this. In the latter case, it is the editor himself who becomes an important propagandist; but still the column will tend to indicate popular interest. Zero in the letter column may not reveal the fact that certain propagandas are nevertheless operating effectively, for this is only a positive indicator; but if some higher figure is registered, we can be rather sure that propaganda is catching public attention. Our assurance increases as we enlarge the number of newspapers upon which a reading of the instrument is based.

No pretension is made that the letters constitute a well-calibrated instrument for the exact measurement of the effectiveness of propaganda. Moreover, other factors than an actual propaganda campaign may enter into the situation. What is more, several different agencies may contribute to a propaganda effect. Thus, in the child labor campaign the force which by general consent was the most potent was the Roman Catholic Church. To what extent propaganda issuing from such a source would be indicated

[8] See W. A. Robinson, "Child Labor Amendment in Massachusetts," in this REVIEW, Vol. 19, pp. 69–73 (Feb., 1925).

[9] One editor said that he avoided issues likely to stir up race hatred, such as the Scottsboro case.

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by the proposed instrument is uncertain. The instrument is particularly sensitive to propaganda among the general public by means of the printed word, rather than by the cinema or the radio. The stimuli for letters came especially from news items, editorials, other letters, and to some extent from books, periodicals, and public addresses. Yet many radio addresses are published, sometimes verbatim, in the newspaper, and to a considerable extent the press carries reports of propagandist motion pictures. The press is sometimes less dramatic than radio and film, but it is always more permanent.

Our search for "thermometric" material has resulted in the investigation of letters to the editor, and we suggest instead of a column of mercury, a column of letters. A score of newspapers could be taken to provide the basis for measurements. Each paper now devotes a particular space to its letters, and they appear in numbers which are fairly constant from day to day and from week to week. The total number of letters appearing in all of the papers represents the practical maximum for letters which could be devoted to a specific topic. This mark at the top of the scale may sometimes be exceeded, as in a war crisis, when the pressure of propaganda, like an expanding column of mercury, shatters the normal restraints and the letters overflow into other pages of the newspaper. At the lower end of the scale, the absence of letters on a certain topic could represent absolute zero; but for the purpose of indicating the emergence of an effective propaganda, points could be empirically established to exclude from the range of active measurement the normal quota of random letters on such topics as religion, first robins in spring, and gambling.

Once these working limits were established for a particular group of newspapers, there would remain only the problem of marking as many degrees of propaganda effectiveness upon the scale as the observer might desire. The instrument offers utility for measurement in both absolute and comparative terms. Ultimately, however, in order to measure the full effectiveness of propaganda, we shall need not only a "thermometer," but a whole panel of instruments.

H. Schuyler Foster, Jr., and Carl J. Friedrich.
Harvard University.

British Influence on the American Press, 1914-17. The primary objective of a political propaganda campaign is to establish an attitude of mind, a climate of opinion. When such a campaign is successful, the point of view which it has created acts as a censor or interpreter of news. The anti-German attitude displayed by the American press between 1914 and 1917 was the result of such a campaign. It was not accidental, and it was not the result of guilt resting exclusively upon Germany.

On August 5, 1914, the British cut the cables between Germany and the

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United States.[1] No other means of rapid communication existed between these two nations and, as a result, the most effective instrument of propaganda, the news, was suppressed at the most crucial time in the history of the war—the time when first impressions were being made, when a new climate of opinion was being established. In November, 1917, an official of the State Department wrote to President Wilson advocating a censorship of the press. His principal argument was that "the *first publication* is that which is *formative of public opinion* and which affects the public emotion."[2] With first impressions controlled elsewhere, all the opponents could do was to "retrieve part of the unfortunate effect" created by the original publication. This retrieving was what British censorship forced the Germans to do. Even after the inauguration of trans-Atlantic wireless, late in 1914, with its limited facilities for the transmission of news, German dispatches were slower than the British, so that even the later, less important, British interpretations of events became the accepted versions in America.

The cutting of the cables between the United States and Germany was the first act of censorship and the first act of propaganda. These Siamese twins of public opinion were from then on to dictate to the American people what they were to think. The second move in the same endeavor was the censorship of the press in England. This was achieved under the Defense of the Realm Act, the famous DORA, which gave control over "all statements intended or likely to prejudice His Majesty's relations with foreign powers." The year before the war, there had been formed a Joint Consultative Committee of Admiralty, War Office, and Press for the purpose of planning censorship. This so-called Press Censorship Committee was replaced in August, 1914, by the Press Bureau, with its duty to "supervise, largely on a voluntary basis, issue of news to and by the press."[3] In the cabinet, the Home Secretary, Sir John Simon, was responsible; while in direct charge was F. E. Smith, the later Lord Birkenhead, who was replaced on September 3, 1914, by Stanley Buckmaster.[4]

As a matter of fact, this Press Bureau "was only a shield and recording angel for the naval and military censors who acted under direct instructions from the Admiralty and War Office."[5] As one Englishman referred to it, it was "the imaginative department, the body which dresses up the

[1] Wireless censorship went into effect on August 1, 1914. Sir Douglas Brownrigg, *Indiscretions of the Naval Censor* (London, 1920). There are reasons for believing that cable messages were censored on August 1.

[2] *Breckinridge Long Papers*, Library of Congress.

[3] N. B. Dearle, *Dictionary of Official War-Time Organizations* (London, 1928), p. 310.

[4] He was replaced by Sir Frank Swettenham, and the latter, in turn, by Sir Edward Cook.

[5] *Lord Riddell's War Diary, 1914–1918* (London, 1933), p. 116.

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facts for presentment to the public, a most important function and one leaving scope for individual imagination." This national censorship of the British was important to the United States because the news passed by this censorship was the version of the news which American newspapers printed. With the cables to Germany cut, American newspapers had to secure their war news where it was available—and that was in England. The only way in which they could get complete and dependable (?) news was to buy the advance sheets of London newspapers. Otherwise they were limited to official communiqués from the British or French governments. News obtained from other European countries had to be filtered by the British censor also. Hence it can be seen that it was truly the British news that became the American news.[6]

In order to make the stifling of news more acceptable to the dissatisfied correspondents, an "official eye-witness" was appointed by the British.[7] His efforts pleased no one; so in March and April, 1915, a step forward was taken when parties of British correspondents were taken on a tour of the front. In doing this, it was discovered that the news writers could be pacified and at the same time made to serve as propagandists. By stationing the reporters at the various army headquarters, and by the simple device of making them personal friends, they became apologists for the British cause. In June, 1915, when the British G.H.Q. received one American (Frederick Palmer) and six British correspondents, this system of propaganda was formally started.[8]

The British propagandists constantly had the American newspaper men in mind, and, somewhat later, we find them endorsing the recommendations of one of their American agents that "special correspondents from this country [the United States] . . . should be sent to the front and be allowed to see actual fighting." "The French have, on the surface, done no propaganda work of any kind," but have been very cordial to American correspondents in France, "and these correspondents have come back here and written the most enthusiastic articles for France. The last and most convincing . . . is to be found in the visit of Frank Simonds."[9] The

[6] "From September, the New York *Times*, *Tribune*, and *World* (and other papers) regularly bought the advance proofs of the London *Chronicle*, *Morning Post*, and *Daily Telegraph*, using the material in their own news columns and syndicating it throughout the United States." Walter Millis, *The Road to War; America, 1914–1917* (Boston, 1935).

[7] This was Major E. D. Swinton. He did his work from September 14, 1914, to July 15, 1915. Riddell, *op. cit.*, p. 17.

[8] Neville Lytton had general charge of them on the British front.

[9] Report of the propaganda ministry for the use of the British cabinet (May 25, 1916). This propaganda ministry is better known as Wellington House. The reports usually were two or three weeks later than the dates of letters or of the newspapers which were included in the reports. They bore the partially correct title of *The American Press Résumé.*

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British then went even further; they entertained all people of importance. "Editors, novelists, political experts, essayists, statesmen, university presidents, and men of importance in all walks of life, especially Americans, were given tours of the front. A visitors' chateau was provided for them, and there the cuisine was excellent, while food rationing in England tightened under the growing submarine menace. They were chaperoned by most attentive and diplomatic reserve officers who had notes in hand from the Foreign Office about the standing and character of each visitor, which made ingratiating hospitality the easier on the part of the hosts. The guests were shown what was good for them to see."[10]

In these efforts can be observed one of the distinguishing characteristics of British propaganda—its sentimental or personal basis. The practice of exploiting personal contacts is customary with salesmen and was very intelligently used by the British in their handling of propaganda.[11] The above account illustrates how the correspondents at the front were cared for, and the same thing was done at the British capital. John St. Loe Strachey had a meeting of American correspondents each week at his home in London. There the reporters were given an opportunity to meet some important personage, such as a cabinet member or a military leader.[12] The personal contacts established made the censorship less distasteful to the correspondents, and also made it more difficult for those attending to give any but a British interpretation of events—even if it had been possible to get such a version through the censor. The same type of meeting was held by the foreign editor of the London *Times*.[13] These social efforts at home and at the front made friends of the correspondents and enlisted them as propagandists for the Allies. Also a special effort was made to enlist the sympathies of the press associations. The British naval censor writes: "With the heads of the Associated Press (Mr. Collins) and the United Press (Mr. Keen) I was constantly in closest touch."[14]

[10] Frederick Palmer, *With My Own Eyes* (New York, 1934), p. 332.

[11] One of their organizations obtained the names of the friends of important people and then mailed to these friends propaganda as though it were from the individual Englishmen. "By this means very many important communities—philosophical, educational, religious, scientific, philanthropic, artistic, legal, medical, commercial, industrial, agricultural, engineering, mining, banking, athletic, etc. . . . have been reached." *Report of the Central Committee for National Patriotic Organizations*, p. 18.

[12] The official news department of the Foreign Office "placed itself at the disposal of the American press representatives . . . , studied their needs, endeavored to procure . . . their satisfaction." *The Times History of the War* (London, 1920), Vol. 21, p. 101.

[13] "There were Saturdays at Wickham-Steed's where newspaper men, officers, and diplomats . . . used to meet." *President Masaryk Tells His Story* (London, 1935), p. 251f.

[14] Brownrigg, *op. cit.*, p. 125.

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Through these men, their superiors across the Atlantic were influenced. One distinguished English expert on this field writes: "Better than any pumped-in propaganda abroad was [the] . . . method of making the leaders of the Imperial, neutral, or Allied press themselves the propagandists when they returned home."[15]

Conducting such a propaganda system, it was necessary to go beyond those individuals who might happen to visit Europe. In order to reach those small papers in the United States which had no press service and no correspondents abroad, Sir Gilbert Parker's American "Ministry of Information"—a branch of Wellington House—"supplied three hundred and sixty newspapers in the smaller cities of the United States with an English newspaper which [gave] a weekly review and comment on the affairs of the war."[16]

Few opportunities to influence writers were left unexploited, and although newspaper people objected strongly to the control which was placed upon them, their resistance was unavailing. News was essential to the success of their papers, and in order to secure news they had to conform—which they did. The almost complete capture of American newswriters resulted in a press consistently friendly to the Allies. The American division of the British propaganda ministry made a weekly report of this success for the information of the cabinet. A terse statement such as "The week supplies satisfactory evidence of the permeation of the American press by British influence"[17] means a great deal more in this connection than would appear at first glance. It means that even British propagandists were satisfied with their control.[18] The foregoing explains in part how this was done, but, of course, it must not be considered to be the whole story. The community of language, the pre-war use of London as a source of European news, the British naval policy which eventually made the success of the Allies an economic necessity to American industry and finance, and the flood of British propaganda, all played their parts. But it was the careful handling of the basic instrument of public opinion—the news—that made the other efforts successful.[19]

[15] Lord Beaverbrook, *Politicians and the Press* (London, 1927), p. 12.

[16] Sir Gilbert Parker, "The United States and the War," *Harper's Monthly Magazine* (March, 1918), p. 522.

[17] Report of October 11, 1916.

[18] The "corpse factory" story man wrote: "It does not much matter what happens in neutral countries, except America, and there we are already served by the correspondents here and by our American visitors." John Charteris, *At G. H. Q.* (London, 1931), p. 167.

[19] The British propagandists noted the pull of economics in their report of January 7, 1916. "From the beginning of the present war, prices in Wall Street have risen regularly in response to any military successes of the Allies and fallen with equal regularity when the Central Powers achieved successes."

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The control of correspondents in Europe would never have resulted in such unanimous support had not the British used great discretion in giving these newspaper people propaganda of sufficient probability to make it intellectually acceptable, and had they not varied their propaganda to fit the prejudices and hopes of the readers served by these correspondents. Both newspaper people and newspaper readers had to be catered to. This was done by keeping a very careful watch on shifting currents of American opinion. To illustrate how this intelligence service assisted in controlling the policies of the British so that they could keep the newspaper people in a friendly mood, a few examples of the reports of individuals are worth mentioning. One writer, in 1916, warned of the fallen prestige of Great Britain in the United States and remarked that the American people intended to support the Administration "in whatever it decides to be necessary. *In consequence, our main point of action must be at Washington.*"[20] Another time, the propaganda ministry informed the cabinet, concerning an article in the New York *World*, that "Sir Gilbert Parker has received a cable . . . informing him that this dispatch is officially inspired."[21] It is obvious how such information could be useful.

Another more important time when advice from propaganda agents undoubtedly assisted the British was brought to view in a letter dealing with the election of 1916. Here the agent tells the propaganda ministry and, through the report of this ministry, the cabinet, that Hughes would probably take neutrality seriously instead of acting like Wilson, who was strongly "pro-Ally." This agent remarked: "Hughes has said, 'We propose that we shall protect and enforce American rights on land and sea without fear and unflinchingly with respect to American lives, American property, and American commerce.' These words in the mouth of Mr. Wilson would not mean very much, but in the mouth of Mr. Hughes they mean a good deal." The "Foreign Office ought to be thoroughly informed as to the change that is likely to take place in the attitude of Washington if Mr. Hughes is elected." "Mr. Roosevelt is for Hughes simply because he wants to beat Wilson. . . . It is extremely unlikely that Mr. Roosevelt will have any influence on the conduct of affairs at Washington if Mr. Hughes is elected." "The situation is more fraught with danger now than it has ever been before."[22]

Another report discussing the election said: "It is difficult to see what

[20] Report of May 31, 1916. Italics mine. Less than a year before this, Lansing remarked: "You can have no idea of the pressure which is being brought to bear on this government from various elements in this country in regard to our foreign relations." August 17, 1915, *Lansing Papers*, Library of Congress. The policy advocated in the British report may have had something to do with the reaction of the Secretary of State.

[21] Report of January 3, 1917.

[22] Report of October 18, 1916.

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form a new policy could take, unless it should be a less friendly attitude to Great Britain."[23] It should be remembered that this is a statement of the British department of propaganda—and not of any German propagandist. Of course, we have abundant evidence that the Germans held the same point of view.

The propaganda ministry's weekly analyses of American newspapers gave the same kind of advice as the individual reports, and likewise were very revealing. These analyses showed what propaganda was succeeding and what was failing; they also showed the range and influence of the propaganda. One division of this report was headed, "Influencing the American Press." It varied from week to week, but the following excerpts are typical: "Amongst the thoroughly satisfactory articles upon the British offensive may be mentioned Mr. Frederick Palmer's article in *Collier's Weekly*." "The *Literary Digest* publishes long extracts from Dr. Taylor's report on the Wittenberg Camp." Articles by the following writers have appeared: "Mr. Archibald Hurd, Alfred Noyes, Gilbert Murray, and James M. Beck."[24] A little later, the cabinet is informed that the "pro-Ally Philadelphia *Public Ledger* writes an editorial upon the pamphlet 'Treasury Romances' prepared by Wellington House."[25]

From time to time, comments were made upon the success of various types of propaganda. For instance, the report of October 18, 1916, records that Gertrude Atherton was spreading the story of Germans inoculating exchange prisoners with tuberculosis. Reports of a particular group of atrocities having been received with interest, the reports of a few weeks later show that efforts were extended to develop this attack and the newspapermen given more material on that particular subject. When a report such as "the American mind shows signs of being almost surfeited with atrocities" was received, the ensuing reports show a change of emphasis to the evil war aims of the Germans or to the illegality and brutality of German naval policy. All in all, this careful watch of the results of propaganda efforts was indispensable in maintaining and strengthening British control of American opinion.

The other way in which these reports served to assist in channeling the attitudes of American newspapers was by showing which papers to favor and which papers to fight. The British propaganda ministry's classification of American papers is most interesting from this point of view. The New York *Times* and *Tribune* were spoken of as "pro-Ally." One propagandist emphasized this by demonstrating the naiveté of considering these two papers representative of American opinion, and warned that the pro-Ally bias should never be ignored—at least by British

[23] Report of November 1, 1916.
[24] Report of September 13, 1916.
[25] Report of November 8, 1916.

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propagandists. The New York *Sun* and *World* were classified as "friendly." The Philadelphia *Public Ledger* and the Boston *Globe* were "pro-Ally." The New York *Herald* and the Providence *Journal* were "ardently pro-Ally," which was a charming bit of understatement. The paper which was followed most closely by President Wilson merited the comment, "even a paper so friendly as the Springfield *Republican*. . . ." Many other papers through the country were mentioned under these headings, but the foregoing are sufficiently representative of the powerful papers to demonstrate the success of the British efforts. Among the pro-British papers was one in the Middle West, which, for some inexplicable reason, seems to have been especially important to the British propagandists. It was the Minneapolis *Bellman*, which, in their words, was "perhaps the most important newspaper in the Middle West."[26]

It must be remembered that when a newspaper was satisfactory to the propagandists it had to be far from neutral, and that when the British propagandists classified a paper as "unfriendly" it is very likely that[27] that paper had merely failed to propagate blindly the British ideas about the war. The following papers, which were listed as "unfriendly" to the Allies, were, on the whole, fair to them—they merely disagreed with Great Britain and France as to the type of neutrality that the United States should practice: the Chicago *Tribune*, the Sacramento *Bee*, the Los Angeles *Times*, the St. Louis *Globe Democrat*, and the Cleveland *Plain Dealer*. Much of their news was British propaganda, but there was a limit to their gullibility.

One group of papers which was a great worry to the British was the chain controlled by Hearst. This was the one powerful American newspaper interest that was not under the sway of the British. Hearst, to their extreme anguish, did not leave undisputed the war-guilt propaganda, the atrocity propaganda, or the war-aims propaganda. The self-righteous tone assumed by the Allies did not impress him. His papers gave the British version, but also intimated that this version contained only part of the truth. Such tolerance represented so great a menace to the British campaign in the United States that either immediate suppression or conciliation was necessary, not only with Hearst but with those few other newspapers which did not propagate the British view.

The British propagandists privately admitted that Hearst was not pro-German, that he gave many sides of the various questions concerning the war; it was precisely this that endangered the British propaganda arguments. To use their words: "It is not fair to charge Hearst with pro-Germanism, without recognizing the conspicuous fact that he is ever ready to receive into his papers and to give prominent display to special

[26] Report of June 27, 1917. Similar comments appeared at earlier dates.
[27] Special supplement to the report of January 28, 1916.

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articles of any and all partisanships whenever the interest of the subject, or the repute of the author, make a fair claim upon him." "To say that he [Hearst] is pro-German is at once to over-credit his integrity and to undervalue his importance. He is not pro-anything except Hearst. . . . He would just as easily be pro-Hottentot if that paid better." "No more do I believe . . . that Hearst has been 'bought' by the Germans. I do not believe that Hearst can be bought in that sense; certainly I am sure that he would not be a safe or dependable bargain for any purchaser."

As time passed and it became more and more necessary to capture or destroy the Hearst influence if the American type of neutrality was to be continued, or if the United States was to be brought into the war, more thought was given to the Hearst problem. It is possible that the election of 1916 hastened a reckoning. At any rate, in March, 1916, one British propagandist refused to write anything more for the Hearst papers and, in doing so, apparently dropped a hint that Hearst would better change his ways if trouble were to be avoided. This called forth a remarkable letter from Hearst in which he gave a frank statement of his policy with regard to war news. The letter, addressed to Hearst's London agent, was referred to the propaganda ministry and, by them, to the British cabinet. The propaganda ministry was in favor of continuing the use of Hearst whenever possible; for they wrote: "We believe this is a fair statement [referring to Hearst's letter], and that only a good end is served by using the Hearst papers for articles and interviews for the pro-Ally cause. If we could have an article or an interview in the most pronounced paper in the Central Empires, we should not hesitate to use the opportunity."[28]

The somewhat amazing letter of Mr. Hearst apparently did not satisfy British officialdom. They had to have the complete partiality which they had obtained in other American newspapers, and in order more nearly to obtain this end, Hearst was "prohibited the usual facilities of the British Press Bureau and denied the cable service by the British government." In addition, the Hearst papers were barred from Great Britain and its possessions. This was a severe blow to Hearst,[29] and notice was thus served upon other intransigeant newspaper people to conform. Although this action served to make Hearst less friendly to Great Britain, it was undoubtedly a wise move on her part. It had become the height of fashion to be pro-Ally, and this public branding of Hearst as pro-German lessened his influence.

The capture of the American press by the British propaganda service was definitely not the only factor which formed the opinions of the Ameri-

[28] Report of May 25, 1916.

[29] Some Hearst papers continued to obtain news as a result of their A.P. franchises. For the methods of obtaining news by the others, see International News Service v. Associated Press, 245 Fed. 244.

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can people with regard to the war, but it certainly assisted in making sympathy for the Allies nation-wide. It is true that there was a contrast between opinion in the East and that in the West, but the contrast was one of degree and not of issue.[30] It was not so much between pro-Ally and pro-German as it was between belligerent and pacifist, and "it is inaccurate to identify pacifism and pro-Germanism"[31] as one and the same thing. The pacifist sentiment was "a genuine American article,"[32] and in large part the sympathy of the pacifists was with the Allies. "There is evidence that in many localities the people . . . entered the war with reluctance";[33] but that reluctance was not due to any widespread sympathy for Germany. After two and a half years of British influence on the American press, the people of the United States were so imbued with Entente ideology that objections to entering the war on the side of the Allies were unavailing.

H. C. PETERSON.

University of Oklahoma.

[30] The report of January 28, 1916, states: "I find it [the Middle West] just a little more neutral than . . . the East." As to the Far West, it states: "California is much the same as the rest of the United States. This California sentiment is an asset of considerable value to the cause which has so overwhelmingly and conclusively won it." "I should deplore any external attempts to make it more pro-Ally than it is." This last statement is from the supplement of January 28, 1916.

[31] Report of March 7, 1917.

[32] Report of March 10, 1916.

[33] Report of May 23, 1917. The report of April 18, 1917, states: There is "no enthusiasm except in a few Eastern papers." See also the report of May 2, 1917. On April 25, it is remarked: "The entry of the United States into the war would seem, to judge from the press, to have been nowhere more welcome than in the financial districts of New York, Chicago, Boston, and Philadelphia. In London, British bankers received from their American friends and correspondents numerous cables expressing satisfaction at the new situation. These cables were all of the same nature, full of relief as well as satisfaction that the United States found themselves about to fight side by side with the nations with whom their financial relations were already so intimate."

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Church and State in England. In that revolutionary movement by which slowly and unobtrusively the government of England has been made over in the last twenty years, no institution has changed more perceptibly than the Church of England. *Church and State: The Report of the Archbishops' Commission on the Relations between Church and State,*[1] dated 1935 but withheld from the public by the Commission until after the general election of that year, sets forth the latest stage in a notable constitutional development.

The Reformation set up in England a national church severed from Rome, under the jurisdiction of the king as "supreme governor," and under how much legislative control by Parliament is still a matter on which historians love to dispute.[2] Sufficiently loyal both to its head and its governor to obtain such advantages as accrue to those who serve both God and Caesar, the Church of England followed a successful *via media* for many generations, until the Glorious Revolution of 1688 sent its single-minded bishops and clergy into exile. Since Jacobite days, too good a churchman has been suspect. No risks were run in the eighteenth century; the royal arms hung over the chancel arch in each parish church, although the cross might be absent from its altar.

All this began to change with the Oxford movement, whose centenary was celebrated three years ago. At first disapproved by authority as well ecclesiastical as secular, that movement gradually conquered the majority of the more devoted clergy and laity, and the Church regained the consciousness that it was the organized body of believers in Christ and not merely an adjunct to the civil government of the realm. But at the same time that the Church was strengthening its sense of religious self-consciousness and of its differentiation from the world, the state was becoming more and more secular, and Parliament found itself far too busy to legislate for the Church.

The only way out of the difficulty seemed to leaders in the Church to be the establishment of a subordinate legislature through which the Church could govern itself. In 1919, before the fading of that false dawn of a world in which all was to be made new, such a legislature was set up. Parliament passed the Enabling Act which gave its approval to the establishment by the Church of England of its own legislature, the Church Assembly, reserving, however, a final veto by the provision that Parliament might disallow a "measure," i.e., a legislative act, of the Church

[1] Vol. I, *Report and Appendices*. Vol. II, *Evidence of Witnesses, etc. Issued for the Commission by the Press and Publications Board of the Church Assembly* (Church House, Dean's Yard, Westminster, S.W. 1).

[2] The Commission wrote its own interpretation in an "Historical Introduction," *Report*, Vol. I, pp. 9–40.

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Assembly. Under the Enabling Act, a series of measures were passed, organizing the administration of the Church and modernizing its finances. With one unimportant exception, these measures were approved by Parliament. But when, in 1927, the Church Assembly submitted to Parliament a measure to authorize a revised prayer book, the House of Commons, which had allowed the Church to reorganize its administration to suit itself, refused to allow it a similar control over its spiritual life, and rejected the measure—not only in 1927 but when resubmitted in 1928.

The immediate result was to stimulate within the Church the movement for disestablishment, as being the only means of securing spiritual autonomy, even though the politically inevitable accompaniment of disendowment would handicap the Church's work. The majority of the clergy and laity, however, preferred some middle ground between disestablishment and the existing legal situation; they wanted spiritual autonomy for the Church without a complete severance between church and state. On July 2, 1928, Randall Davidson, archbishop of Canterbury, stated with the concurrence of the other bishops that "it is a fundamental principle that the Church, that is, the Bishops, together with the Clergy and Laity, must in the last resort, when its mind has been fully ascertained, retain its inalienable right, in loyalty to our Lord and Saviour Jesus Christ, to formulate its faith in Him and to arrange the expression of that Holy Faith in its form of worship." On February 5, 1930, the Church Assembly passed a resolution that in view of the Archbishop's statement "it is desirable that a Commission should be appointed to enquire into the present relations of Church and State, and particularly how far the principle, stated above, is able to receive effective application in present circumstances in the Church of England, and what legal and constitutional changes, if any, are needed in order to maintain or to secure its effective application; and that the Archbishops be requested to appoint a Commission for this purpose."[3]

The membership of the Commission was fairly representative of the Church, and it heard a great variety of witnesses. After deliberations extending over five years, it issued a unanimous report. It is notable first that the Commission entirely rejected disestablishment. Having done that, they had to try to satisfy both sides to the perpetual controversy—those who wanted freedom and those who wanted the maintenance of discipline within a visibly united Church.

On the legislative side, the Commission was satisfied with the working of the Enabling Act as it affected measures of the Church Assembly concerned with matters of administration. But as to spiritual measures, those "touching doctrinal formulae . . . services . . . Ceremonies . . . or the administration of the Sacraments," they found that a greater freedom

[3] *Report*, Vol. I, p. 1.

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from parliamentary control was necessary, and proposed a draft bill for parliamentary approval to grant the Church this freedom.[4] This draft bill provides a new procedure for measures relating to the "spiritual concerns" of the Church of England. When a measure has been certified by the archbishops of Canterbury and York and the speaker of the House of Commons to relate substantially to such concerns, and when the two archbishops have certified that it has been approved (by an elaborate method prescribed) by the Church, and that it is not a departure from the fundamental doctrines of the Church as set forth in the Prayer Book and the Thirty-Nine Articles, then such a measure will have the force of an act of Parliament on receiving the royal assent. Neither house of Parliament need even be consulted.

On the judicial side, the Commission made careful reconsideration of the problem of ecclesiastical courts[5] and proposed (1) a greater reliance on the pastoral and consensual (rather than the legal) authority of the bishops, and (2) a new final court of appeal which should derive a visible portion of its authority from the Church.

On both the legislative and judicial sides, the intention of the Commission is plain: that the present authority of Parliament in regard to legislation shall be further ousted in favor of the authority of the Church officials, and that the present authority of the civil courts in matters of discipline shall be replaced by disciplinary activity exercised by the officers of the Church. The Commission's report is characterized by a refreshing realism, since it has long been clear that the majority of those active in church affairs, both clergy and laity, will no longer accept less autonomy for the church than the Commission suggests. Yet the serious political question remains, that most non-Anglicans, whether non-conformists, atheists, anti-clericals, or whatever the basis of their disaffection towards the Church, look upon any attempt to secure greater autonomy for the Church of England without disestablishment as an attempt to secure freedom without paying the price.[6]

On this account, no contemporary British government, however devoted its individual members to the Church of England, is likely for some time to permit the enactment into law of the Commission's proposals. But the significance of the report is much more than that of a vain aspiration. The Commission was composed of very respectable, and in most cases distinguished and important, gentlemen—representative not of extremists but rather of the officialdom of the Church (whose high offi-

[4] *Report*, p. 62.

[5] *Report*, pp. 65–71.

[6] Cf. leaders in the *Manchester Guardian* for January 24, 1936, and the *New Statesman and Nation* for February 1, 1936. See also a sharply unsympathetic article by A. L. Rowse, "The Dilemma of Church and State," in *Political Quarterly*, Vol. 7, pp. 368–384 (1936).

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cials, it must be remembered, are still chosen on the advice of His Majesty's ministers). If the authorities of the Church made such proposals, the life and thought of the Church have clearly stepped out from under the control, however one might attempt to exercise it, of the state, and the state can no longer rely upon the Church as a willing partner to its every act.

E. P. CHASE.

Lafayette College.

Dominion Disallowance of Provincial Legislation in Canada. Although there is a federal form of government in both the Dominion of Canada and the United States, there are striking differences in the two types of federalism. Some of these differences are to be found in fundamentals, such as the basis upon which the powers of government are divided in the two countries. Less striking, but nevertheless significant, are still other points of variance. Among these is the power which the dominion government has to disallow legislative acts of the provinces. Just why the fathers of the Canadian federation thought this power should be given to the central government is not clear. The fact remains, however, that in the years from 1867 to 1935, at least 114 provincial acts and territorial ordinances were set aside. It is important to note that these acts were disallowed by executive officers of the dominion government. Executive officers of the national government in the United States do not possess similar powers where state legislation is concerned.

How does disallowance occur? The terms of the British North America Act of 1867 have been construed in such a way that a copy of every provincial act must be sent to the governor-general.[1] Although he may not pass on these acts alone, the governor-general *in council* is vested with the power to disallow them. In practice, it has been the ministry of justice that has assumed the initiative in disposing of such matters. Decisions of the cabinet and recommendations to the governor-general have usually been based upon information supplied by the minister of justice. Should the dominion government desire to exercise its power of disallowance, it must do so within one year from the date when an act has been received.[2] Signification by the governor-general in council that a provincial act has been annulled constitutes disallowance.

Procedure in connection with disallowance may be initiated by the ministry of justice after examination of provincial legislation which has already been received, or by an interested party or parties who may com-

[1] Sections 56 and 90. See A. H. Lefroy, *Canada's Federal System* (Toronto, 1913), p. 31.

[2] A. H. Lefroy, *Canadian Constitutional Law* (Toronto, 1918), p. 62. Also, W. P. M. Kennedy, *The Constitution of Canada* (London, 1922), p. 415.

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municate with the ministry of justice.[3] The British government cannot interfere directly with provincial acts, for the power of disallowance resides in the dominion government only.[4] Nevertheless, the imperial government may be concerned with legislative acts of the provinces and may wish to have them disallowed. In such instances, the imperial government has brought the matter before the government at Ottawa.[5] Foreign governments have also drawn the attention of the dominion government to the contents of acts of the provincial legislatures.[6] When provincial acts come before the minister of justice and disallowance is contemplated, an investigation is made and a recommendation given to the governor-general in council. If the recommendation is approved, disallowance follows as a matter of course. This has been the usual procedure. Upon occasion, however, another method has been followed. If the time limit within which disallowance must occur has not expired, and if before expiration of this period a session of the provincial legislature will take place, the provincial government may be requested to amend a statute in dispute.[7] By these amendments the cause or causes for disallowance may be removed and the necessity for further action by the dominion government avoided.

Where the power to disallow has been used, it has been made to apply to a wide variety of subjects. A survey of the law-making efforts of provincial legislatures which have been set aside by the dominion govern-

[3] See, for example, the protest made against an Ontario statute by the Dominion Association of Chartered Accountants. The communication of the minister of justice to the governor-general in council reads, in part: "Recently, . . . a petition dated 31st ultimo has been received from the Dominion Association of Chartered Accountants praying for . . . disallowance . . . and they allege, apparently with truth, that the effect of this section (42) is to prohibit the members of the Dominion Association from describing themselves as . . . Dominion Chartered Accountants. . . ." See *Provincial Legislation, 1896–1920* (compiled by F. H. Grisborne and A. A. Fraser, Ottawa, 1922), pp. 89, 90.

[4] Lefroy, *Constitutional Law*, p. 62.

[5] In 1899, for example, the United States protested against the discriminatory character of a British Columbia statute affecting the position of aliens engaged in mining in that province. The petition of interested United States citizens was sent to the British *chargé d'affaires* at Washington, who in turn communicated with his government in London. Notice was sent from the imperial government to the dominion government at Ottawa. *Provincial Legislation*, p. 566.

[6] See *Provincial Legislation*, p. 538, for a communication from the minister of justice to the governor-general in which attention is drawn to the protest lodged by the Japanese consul at Vancouver against a British Columbia statute regulating labor.

[7] See, for example, a communication of the minister of justice to the governor-general in council respecting a Manitoba statute seeking to incorporate an accident insurance company. *Provincial Legislation*, p. 515. See *ibid.*, p. 567, for similar procedure on a British Columbia statute.

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ment indicates that the central government has interfered with some of the most important fields in which provincial legislation might be enacted. Some of the disallowed acts have included provincial attempts to regulate immigration, to incorporate banks, insurance companies, and public utilities, to regulate the mining of ores, to subsidize railroads, and to regulate the sale of liquor. Just as the subject-matter dealt with has been extremely varied, so have been the reasons why disallowance has taken place. We find, to cite but a few cases, that statutes have been disallowed because the provincial legislation in question conflicted with dominion legislation which already properly occupied the field.[8] Further, a common ground for disallowance has been the claim that provincial legislatures have exceeded their powers by legislating in fields properly belonging to the dominion government under Section 91 of the British North America Act.[9] Other instances show that a province or territory has violated treaty rights, a condition deemed sufficient to make disallowance necessary.[10] Very often, disallowance has occurred on the grounds of unjust interference with individual rights and property.[11]

The frequency with which the dominion's power of disallowance has been used has varied considerably at different periods in Canada's history. In the years from 1867 through 1895, no less than 72 acts and ordinances were set aside.[12] In the years from 1896 through 1920, a period of almost equal length, 37 provincial acts and ordinances were annulled.[13] From 1920 to 1935, only five acts passed by provincial legislatures fell before the disapproval of the dominion government.[14]

In the first period mentioned, the greatest number of acts to be disallowed in any one province was 26, in Manitoba. British Columbia, with 20, was a close second. Seven ordinances (as distinct from legislative acts)

[8] *Ibid.*, p. 90, for action on the Ontario Chartered Accountants Act of 1908.

[9] *Dominion and Provincial Legislation, 1867–1895* (Government Printing Bureau, Ottawa, 1896), p. 1093. See the statement made in connection with the setting aside of the British Columbia Immigration Act of 1884.

[10] *Ibid.*, p. 1256. A Northwest Territory ordinance of 1889 set aside.

[11] Remarks of Minister of Justice Aylesworth in the House of Commons on March 1, 1909. See *Debates in the Canadian House of Commons*, pp. 1750ff. A convenient summary of the general grounds for disallowance of provincial acts is given by Lefroy in his *Constitutional Law*, p. 63. His classification is as follows: "1. because the provincial act in question is an abuse of power and contrary to sound principles of legislation, as, *e.g.*, amounting to spoliation or a violation of property and vested rights, under contracts or otherwise; 2. because it is *ultra vires*, and therefore invalid; 3. because it conflicts with imperial treaties or imperial policy; 4. because it conflicts with dominion policy or interests."

[12] See *Dominion and Provincial Legislation, 1867–1895*.

[13] See *Provincial Legislation, 1896–1920*.

[14] Communication to the writer from the deputy minister of justice, July 29, 1935.

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were set aside in the Northwest Territory, while in Ontario and Nova Scotia six acts in each province were disallowed. The remainder of the 72 can be accounted for by the disallowance of four statutes in Quebec, two in Prince Edward Island, and one in New Brunswick. In the second period, British Columbia headed the list with 22, while Manitoba and Saskatchewan had three each. Ontario and Quebec each had one act annulled. Seven ordinances were set aside, five in the Yukon Territory and two in the Northwest Territory. Since 1920, legislative acts in only three provinces have been disallowed. Three were annulled in Nova Scotia and one each in Alberta and British Columbia.

From what appears in the preceding paragraph, it is clear that from a power which was once resorted to with considerable regularity dominion disallowance of provincial legislation has, in more recent years, almost fallen into disuse. The change in practice corresponds to changing theories as to the extent to which disallowance should be applied. To many Americans, it is, of course, striking that the central government in a federation should possess this degree of control over certain types of legislation enacted by the member units in that federal organization. In the Canada of 1864–66, however, there were many who, like J. A. Macdonald, wished to see a strong central government created.[15] They believed that the war between the states to the south of them was due, in part, to weakness at the center. That the dominion government should be able to disallow provincial legislation did not seem strange to them. In the years immediately following 1867, resort to the power of disallowance was influenced, to some degree, by these views. In referring to that early period, the attorney-general of British Columbia said: "In the early days of confederation, the dominion executive appears to have been imbued with the notion that the relation between the dominion and the provinces was analogous to that existing between parent and child, and to have acted accordingly."[16] It is true that this view was accepted by those strongly desiring a powerful central government. Indeed, in some quarters extreme lengths were resorted to in the attempt to justify dominion checks over provincial legislative acts. What might be called the "strong dominion" attitude was based, by some, upon natural as well as constitutional law. Mr. Justice Draper once said: "The governor-general . . . is entrusted with authority, to which a corresponding duty attaches, to disallow any law contrary to reason, or to natural justice or equity."[17]

Mr. Justice Draper's opinions, popular as they were in some quarters,

[15] See W. P. M. Kennedy, *The Constitution of Canada* (London, 1922), especially pp. 302ff.

[16] As quoted in Lefroy, *Canada's Federal System*, p. 36.

[17] Justice Draper in *re Goodhue*, 19 *Grant's Chancery Reports*, 384.

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were equally alarming in others. If persisted in, many felt that this interpretation of the dominion's power to disallow provincial legislation threatened the position of the provinces and might even reduce them to the status of municipalities. But not long after the British North America Act came into operation doctrines of another nature became widely accepted where the power of disallowance was concerned. This was partly due to the fact that fundamental theories of the very nature of Canada's federal system underwent a change. A series of decisions by the Judicial Committee of the Privy Council, in interpreting the British North America Act, had the effect of strengthening provincial powers.[18] Furthermore, growing particularism in the provinces became of political importance when stimulated by staunch advocates of provincial rights. With this change of attitude, it is not surprising that the power of disallowance was used less frequently after 1902 than before that time. In 1905, the government of British Columbia spoke not for itself alone when it stated that an act of a province ought not to be disallowed by the dominion government "unless the bill should be a clear and palpable attempt on the part of the province to invade the legislative field of the dominion parliament."[19]

In recent years, it has been recognized by commentators[20] on Canadian constitutional law that the dominion government should use the power of disallowance only after considerable hesitation.[21] Provincial legislatures are now regarded as being equal, in their spheres, with the dominion legislature, and the dominion government, it is argued, cannot interfere with the independence of these legislative bodies. It is now generally agreed that many of the grounds which, in the past, prompted the dominion government to disallow provincial legislation were matters which ought more properly to be disposed of in the courts. No provincial acts are now disallowed because they may be "unjust" or in "violation of natural justice." Whether these newer views will lead to a demand that the power of disallowance be abolished altogether remains to be seen.

HARLOW J. HENEMAN.

University of Michigan.

[18] See W. P. M. Kennedy, *Essays in Constitutional Law* (London, 1934), p. 148ff., and the cases there cited.

[19] In 1918, the minister of justice, in a communication to the governor-general, commented at length upon the "great reluctance to interfere with provincial legislation." He continued by indicating measures which had been taken in order to avoid a resort to disallowance. *Provincial Legislation*, p. 708.

[20] See, for example, A. B. Keith, *Constitutional Law of the British Dominions* (London, 1933), p. 299.

[21] The last case of disallowance of a provincial act was in 1923. Communication from the deputy minister of justice to the writer, July 29, 1935.

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Workers' Parties Show Gains in Sweden and Norway.[1] Every twelve years, the parliamentary elections in Sweden, which take place quadrennially, and those in Norway, which occur triennially, fall within a few weeks of each other. In 1936, spirited contests in these two Scandinavian countries (September 21 in Sweden and October 19 in Norway) culminated in gains in each case for the workers' parties. The workers' parties of these two contiguous democracies have much in common. Both are moderately socialistic, and both are believers in the democratic parliamentary system of government. The official title of the Norwegian party is Labor, while that of the Swedish is Social Democrat.

In opposition in each case are the *borgerlige* (loosely translated "bourgeois") parties, of which the most powerful in each country is a well established traditionally conservative party, called literally the Right (in Sweden Högern, in Norway Höire), but in each case loosely translated as "Conservative." In addition to the Conservatives, each country has a Peoples' Party (in Norway known as Venstre, literally Left) of considerable strength but of decreasing influence because of its difficult position between two vigorous parties on its right and left respectively. In each country we find also a strong agrarian party. In Norway, this party is in violent opposition to Labor; in Sweden, however, the farmer group is not unsympathetic with Social Democrats—in fact, the new Swedish cabinet reorganized by the latter, following the September elections, includes three Agrarians. The Communists also are organized in both Norway and Sweden, but in each country they constitute a decidedly minor party. In both countries, there are small but active fascist organizations, but in neither election did these groups win any seats in Parliament.

These two elections received scant notice in the American press. Occurring as they did coincident with our heated presidential campaign, and at a time when whatever attention Americans were giving to European affairs was attracted toward Madrid, Moscow, Paris, Berlin, Rome, and London, it is not surprising that they passed practically unnoted: and yet, because Norway and Sweden are outstanding examples of successfully functioning democracies, with intelligent electorates exercising suffrage in bitterly fought contests and in an atmosphere of full and free discussion, they deserve the careful attention of those who are studying the processes of popular government. In both countries, the interest of the electorate was at white heat. The respective party leaders and candidates conducted vigorous campaigns by mail, platform, press, radio,

[1] The information on which this note is based has been obtained from *Arbeiderbladet* (Oslo Labor daily), *Oslo Höire* (Conservative monthly), *Medborgoran* (Conservative monthly, Stockholm), and from conferences with Mr. Stig Unger, attaché to the Swedish legation, and Mr. Jorgen Galbe, first secretary of the Norwegian legation, in Washington.

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bill-boards, films, and loud speaker automobiles; and huge crowds attended meetings. In both countries, too, an unusually heavy vote was recorded. Adult suffrage prevails in both; and in both the list system of proportional representation is used.

In both countries, the workers' parties were the "ins" and were asking for a continuance in power, which, as shown in the tables below, was granted by the voters in each case. In Sweden, where the gains of the workers' party (Social Democrat) were more pronounced than those in the neighboring democracy, the "ins" were accused of waste and extravagance, of levying unduly heavy taxes, of piling up a huge national debt, and of desiring a dictatorship. The "ins" pointed to recovery, to improved living conditions for the average man, and insisted that they were "spending to save." A live issue was raised by the active support by the Social Democrats of a program of work relief in the form of public works, with labor paid as in the open market, accompanied by supertaxes on big fortunes. The Conservatives opposed both of these proposals, although the Agrarians supported them.

The results of the voting on September 21, compared with those of the previous election, were as follows:

Swedish parties	*Popular vote*		*Members elected*	
	1932	*1936*	*1932*	*1936*
Social Democrat	1,040,698	1,338,057	102	112
Conservative	570,784	512,425	53	44
Agrarian	351,215	418,830	37	36
Peoples' Party	304,055	376,179	25	27
Left Socialist	132,564	127,827	8	6
National Union (Fascist)	6,019	26,741	3	0
Communist	74,245	96,474	2	5
National Socialist	15,170	20,306	0	0
			230	230

In Norway, the "ins" (Labor) faced the attacks of all other parties, for here the Agrarians, as indicated above, did not show the sympathy for the workers' party which the similar group in Sweden manifested for the Social Democrats. The bourgeois parties tried to persuade the voters that a Labor victory would mean terrorism, dictatorship, and Marxism and presented in varying forms suggestions for moderate social change. "A free people in a free Norway" was a common anti-Labor slogan. The Conservatives claimed to be the defenders of Christianity, and the Labor government was bitterly criticized for allowing Leon Trotzky to take up his domicile in Norway. Tsjernavin's *I Speak for the Silent* was translated into Norwegian and was distributed by the Conservatives. In post-election statements, the Labor leaders admitted that the Russian scare had cost them votes, especially in the regions along the coast. During the

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campaign, the Laborites pointed to the balanced budget under their government, to recovery, and to their social program, including housing, school subsidies, and old age benefits. They broadcast the news that a certain multimillionaire was giving financial support both to the Conservatives and to the National Union (Fascists). The latter group was led by the colorful Major Vidkun Quisling, who as early as the 1933 campaign was alluded to as the coming Hitler of Norway.

As a result of the election, the Labor government of Premier Johan Nygaardsvold continued by virtue of the Labor plurality in the new Storthing, even though his party is still a few votes short of a majority. The following table shows the results of the voting on October 19 compared with those of the previous election:

Norwegian parties	*Popular vote*		*Members elected*	
	1933	*1936*	*1933*	*1936*
Labor	499,421	617,456	69	70
Conservative	270,658	301,334	31	36
Radical (Left) and Radical Peoples'	218,545	236,030	25	23
Agrarian	175,108	157,132	23	18
Communist	23,301	4,376	0	0
National Union (Fascist)	27,775	26,406	0	0
Commonwealth Party	18,974	44,797	1	1
Christian Peoples'	10,237	19,454	1	2
			150	150

BEN A. ARNESON.

The American University.

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Neutrality—as of 1936 and 1937. The neutrality legislation enacted at Washington in 1935[1] was admittedly a compromise, satisfying neither the President, who in his statement upon signing the joint resolution, again criticized its mandatory feature as potentially dangerous,[2] nor many of those in and out of Congress who wanted some definition of our relation to war. As if to point the moral, the Italo-Ethiopian conflict flamed into what the President was pleased to call "a state of war," and some of the very issues which the legislation was intended to meet became acute. More recently, civil war in Spain has tragically illuminated new issues in our position and policy.

It is unnecessary here to trace the course of United States action with respect to the sanctions experiment. The problems were not susceptible of easy or simple solution, and the application of the new legislation was certainly as coöperative with the sanctions-enforcing states as it could well be made—a good deal more so than a strict interpretation might have suggested.[3] Criticisms were levelled at the President's actions by the isolationists as well as by those favoring active coöperation in collective security. The time limit in the 1935 resolution (February 29, 1936), if no other factors had been operative, would have made further consideration of our neutrality policy imperative. But events abroad joined with domestic pressures to make the issue inevitably one of major importance in the second session of the Seventy-fourth Congress. The present paper will first trace the history of the 1936 legislation; second, indicate certain of the factors which immobilized action beyond the scope of the joint resolution finally enacted; and third, suggest and appraise some of the issues which remain to be considered in any future and more permanent definition of American policy.

I

The 1935 legislation fell short of the hopes of large sections of the peace forces of the country in principle, and was hardly less defective in terms of comprehensiveness and clarity. It was passed with little or no debate, and with inconsiderable preliminary committee investigation or consideration.[4] Admittedly a stop-gap measure, future action was implicit in the

[1] See my "Current Neutrality Problems" in this REVIEW, Vol. 29, pp. 1022–1041 (Dec., 1935).

[2] *New York Times*, Sept. 1, 1936, p. 1.

[3] See R. L. Buell, "The New American Neutrality," *Foreign Policy Reports* (1935–36), No. 23, pp. 281ff. A paper on this question will appear in 1937 in *Problems of Peace* (11th Series, London, Allen and Unwin, Chap. 7).

[4] Professor P. C. Jessup has spoken of it as "a hodge-podge of ideas scrambled together in the legislative frying-pan in the closing days of a hot summer session in Washington." *Neutrality Today and Tomorrow* (New York, 1936), p. 124.

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time limit of February 29, 1936, imposed on it in Section 1. The complications, practical and ideological, arising out of the Italo-Ethiopian dispute hastened, if they did not facilitate, debate upon many old and several fresh issues.

Discussion of changes in the legislation began outside of congressional circles some weeks before the opening of the new session. During October and November, many peace groups had supported the action of the President in announcing the trade-and-travel-at-risk principle in relation to the Italo-Ethiopian dispute. In December, interest in prospective legislation steadily developed. Various agencies passed resolutions favoring more effective prohibition of the export of war materials other than munitions, or closer collaboration by the United States in the common effort for collective security.[5] Most important of these was undoubtedly the newly organized National Peace Conference, representative of most peace agencies except the extreme pacifist groups. It held a number of meetings and, toward the end of December, issued a proposed neutrality statute, with a commentary, which had been drafted by a number of outstanding international lawyers. This received wide publicity and represented a broad band of popular opinion on the issues in dispute.[6]

Within Congress, also, activity began before the opening of the session. Interest had no doubt been stimulated by recent events.[7] The increasing evidence, brought out by the Senate special committee investigating the munitions industry, of attempts to influence legislation on the question agitated several members of the House.[8] Most important, perhaps, was the still unsettled issue of principle between the isolationists and the coöperators—between those who wished to see mandatory embargoes continued, and perhaps extended, and those who were ready to grant discretionary powers to the President.

These divergences of opinion continued to agitate congressional attitudes at the opening of, and indeed throughout, the session.[9] Again,

[5] See, for instance, "The Federal Council of Churches," *New York Times*, Dec. 4, 1935, 14: 2.

[6] See *New York Times*, Dec. 19, 1935, 19: 4; *ibid.*, Dec. 26, 1935, 1: 1; *International Conciliation* (New York, Carnegie Endowment, 1936), No. 316.

[7] See, for instance, *New York Times*, Dec. 25, 1935, 3: 1, for a proposal by Senators Clark and Pope for the extension of embargoes to coal, iron, steel, and cotton.

[8] See 74:1, *Hearings Before the Committee on Foreign Affairs on H.R. 8788*, 34ff. The evidence of legislative activity by the Dupont interests is to be found in Part 5 of the hearings of the committee referred to above (73rd Cong., pursuant to S. Res. 296, 1934), 1071ff., 1110ff.

[9] The groupings have been noted by C. Eagleton in "La Législation sur neutralité aux États-Unis," *Révue de droit international et du législation comparée*, Vol. 17, pp. 461, 464, 471–472 (1936), and J. W. Garner, "Recent Neutrality Legislation of the United States," *British Yearbook of International Law*, Vol. 17, pp. 45, 49 (1936). "The debates in Congress revealed some six different shades of opinion, with little prospect of reconciliation."

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numerous bills were introduced (nine in the House, five in the Senate). From the beginning, however, it was evident that two were of most significance: the so-called "Administration" bill, sponsored by Senator Pittman and Representative McReynolds,[10] and the isolationist measure, introduced by Senators Nye and Clark and Representative Maverick. President Roosevelt had already spoken in his message to the new Congress on January 3, 1936, of our "two-fold neutrality policy," to prevent the export of munitions, and "to discourage the use by belligerent nations of any and all American products calculated to facilitate the prosecution of war, in quantities over and above our normal export of them in time of peace"—one of the points of agreement between the Administration and isolationist bills.[11]

It may be convenient to summarize here the main points of similarity and difference between these measures. The following table indicates the elements included in both bills and their prescriptions concerning them:

TABLE OF INCLUSIONS OF RESTRICTIONS ON ACTS BY AMERICAN CITIZENS IN

	Administration— (*74:2, H. J. Res. 492*)	*Isolationist—* (*74:2, H. R. 9668*)
Embargo on:	*Bills*	
Arms, munitions, implements of war:		
To original belligerent; or for transshipment via neutrals: (b)	Discretionary (Sec. 3) (a)	Mandatory (Sec. 2)
Extension to new belligerents	Mandatory (c) (Sec. 3, c)	Mandatory (Sec. 2, c)
Other materials: (d)		
Extension to new articles	Discretionary (Sec. 4a, b)	Mandatory (Sec. 3)
Extension to new belligerents	Mandatory (Sec. 4c)	Discretionary (Sec. 3)
Loans and credits: (e)	Mandatory (Sec. 5)	Mandatory (Secs. 9, 10)
Use of American vessels:		
Prohibition of carriage of arms	Mandatory (Sec. 7a)	Mandatory (Sec. 4)
Other war materials	Discretionary (Sec. 7b)	Mandatory (Sec. 4)
Voyages in war zones		Prohibited (Sec. 5)

[10] There were slight differences between the Pittman and McReynolds drafts.

[11] Foreign reactions to the President's message and to the conflicting neutrality bills indicate how closely the development of American policy was watched—and weighed—abroad. See, for instance, *New York Times:* Jan. 3, 1936, 9:3 (France); Jan. 5, 30:3 (Geneva); 30:4 (Italy); 31:5 (Germany); Jan. 6, 6:4 (Great Britain); 7:1 (France); 7:2 (Argentina).

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Trade by U. S. citizens with belligerents at own risk: (f)	Discretionary (Sec. 9)	Mandatory (Sec. 7)
Travel of U. S. citizens on belligerent vessels	Except at own risk (Sec. 10)	Prohibited (Sec. 8)
Use of American ports:		
Export of prohibited articles on American vessels	Discretionary bonding of vessels (Sec. 11)	
Entry of submarines	Discretionary (Sec. 12)	Discretionary (Sec. 12)

(a) The extent of the "discretion" was considerably diluted by Section 6 of the Administration bill, which was apparently introduced to temper congressional opposition to the principle itself: "Any embargo, prohibition, or restriction that may be imposed by or under the provisions of . . . this Act shall apply equally to all belligerents, unless the Congress, with the approval of the President, shall declare otherwise."

(b) The Administration measure followed the 1935 legislation in providing for executive action "upon the outbreak or during the progress of war"; the isolationist made the embargo mandatory "upon the outbreak."

(c) This was a change from discretionary to mandatory extension to other belligerents as provided for in the 1935 legislation (Sec. 1). The Administration bill defined the condition as "when they may become involved." The isolationist as "when they become engaged as belligerents."

(d) Numerous differences in detail of wording appear in two sections; the period on the basis of which quotas are to be established was left to executive discretion in the Administration, and defined as five years in the isolationist, bill. Food and medical supplies were exempted in the Administration measure.

(e) There is a further provision for the non-enforceability of contracts in American courts and the lapse of right title or interest on the part of the American exporter.

(f) The risk is to be that "of a foreign government or national thereof."

In addition, both bills contained substantially similar provisions for the creation of a National Munitions Control Board. The isolationist bill was, in general, much more detailed, especially with regard to the treatment of vessels in American ports and the issuance of securities, loans, and credits. The isolationist bill also provided penalties for abuse of the American flag by belligerent vessels. The Administration measure empowered the President to enter into negotiation for the modification of treaties found to be inconsistent with the legislation, and if unable to effectuate it, "in his discretion to give notice of termination." A section (16b) in the Administration bill which provides that "except to the extent that the law and rules of neutrality are or may be temporarily or provisionally modified by or under authority of this act, the United States reserves and reaffirms its rights under international law as it existed prior to August 1, 1914," suggests a pious hope (especially when

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read with Section 6 noted above) of sailing between the Scylla of isolationist dogma and the Charybdis of international complications.[12]

Other bills introduced provided for extension of the 1935 legislation, or covered the same subjects as dealt with in the foregoing measures less comprehensively. None got beyond committee stage.

The conflicting viewpoints on the whole question were not reconciled in the hearings which were held by the committees of the Senate and House. Opinion within the committees ranged from extreme isolationist and traditionalist (reliance on historical neutral "rights" alone) to mildly coöperative or, at least, agreeable to executive discretion in the application of embargoes. Evidence before the committees roughly paralleled the views of their members. One new and persistent vocal interest, the American Italians, already critical of the President's policy and desirous of seeing it modified, was conspicuous, especially before the House Committee on Foreign Affairs.[13] The trade-at-risk policy was supported by a number of active proponents, academic and otherwise; some witnesses desired an even more positive policy of active defense of American traders' exports to belligerents, by the abrogation of the 1935 legislation on neutrality.[14]

It was evident, before the committee stage was completed, that no unanimity could be achieved within the committees. It was proposed in the Senate committee to report out a resolution to extend the existing law for another year.[15] In the House, the Administration bill was reported out on January 28, but was not debated.[16] There was substituted for it, on February 17, the compromise measure on which agreement had evidently been reached between House and Senate leaders. Forty minutes was allowed for debate; most of the allotted time was devoted to a denunciation of "this most vicious gag rule," as one member termed it.

[12] Is there not a certain inconsistency between all this and at least two treaties already ratified by the United States: the Anglo-American convention of May 19, 1927, providing for the renunciation of claims for infractions of neutral rights during the Great War, and the Pan American Neutrality Convention of 1933, setting forth an elaborate series of rules of neutrality? Yet this draft had presumably received State Department scrutiny.

[13] See 74:2, Hearings before the Committee on Foreign Affairs on H.J. Res. 422 (1936). "American Neutrality Policy," 177, 183, 199, 205, 208, 214 ff. See also 74:2, Hearings before Committee on Foreign Relations on S. 3474 (1936). "Neutrality," 259 ff.

[14] Those who testified before the Senate committee were Secretary Hull, Assistant Secretary Moore, and Mr. Green H. Hackworth of the Department of State, Senator Nye, Mr. Charles Warren; also Professor E. M. Borchard, who strongly reinforced the well-known position of Dr. J. B. Moore. See *New York Times*, Jan. 30, 1936, 13:5. Professor Borchard also testified before the Committee on Foreign Affairs, as did Professor C. C. Hyde.

[15] *Op. cit.*, 283 (Senator Thomas).

[16] *Congressional Record*, Vol. 80, p. 1143.

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Action in the Senate on its own similar measure was deferred from the 17th to the 18th, when the House joint resolution was substituted, debated, and passed without a record vote.[17] Throughout the debates in both houses, the "emergency" of the approaching expiration of the 1935 measure was the principal argument in favor of its compromise extension. Inability to secure any unanimity among conflicting viewpoints made the hope of permanent and comprehensive legislation illusory.

The final measure[18] extended the 1935 resolution to May 1, 1937; changed the wording in two instances, in one case to reduce executive discretion; and added two new items, one substantive, one procedural. The President's discretion was pared still further by removing his power to extend the arms embargo to belligerents entering a war subsequent to its outbreak and substituting a mandatory requirement to do so. The other change in wording might, perhaps, be considered as recognizing more specifically his discretion in determining the existence of war. For the words "upon the outbreak of war . . . the President shall proclaim . . . " were substituted, "whenever the President shall find that there exists a state of war."[19] The substantive addition was the prohibition of sale of securities of or the extension of loans and credits to belligerent states. The procedural change was an indirect reassertion of the Monroe Doctrine prescribing that "the act shall not apply to an American republic or republics engaged in a war against a non-American state or states, provided the American republic is not coöperating with a non-American state or states in such war."

The President approved the resolution on February 29, and reiterated his support of further limitations on trade with belligerents in the interest of preventing the continuation of war.[20]

[17] *Ibid.*, pp. 2175 ff., 2286 ff. Two amendments—one by Senator Clark to limit the act to May 1, 1936, and one by Senator Bone to insert the trade-at-risk principle in the resolution—were defeated 16 to 61 (19 not voting) and 18 to 55 (23 not voting), respectively.

[18] 74:2, H.J. Res. 492, Pub. Res. 74. For text, see *Amer. Jour. Internat. Law*, Vol. 30, Supp., p. 109 (1936).

[19] Senator Thomas explained these changes as "merely clarifying amendments, making the words mean what the authors of the original law always thought the words meant." *Congressional Record*, Vol. 80, p. 2188. The President's proclamation (No. 2140) of October 5, 1935, "finding" a state of war to exist, can, therefore, be considered as within congressional intent, so far at least as executive action is concerned. It is, however, interesting in another connection, to be noted below, viz., the application of the term "state of war" to facts not hitherto technically considered war in the legal sense.

[20] *New York Times*, Mar. 1, 1936. The President stated: "The policies announced by the Secretary of State and myself at the time of and subsequent to the issuance of the original proclamation will be maintained in effect. It is true that the high moral duty I have urged on our people of restricting their exports of essential war

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II

The "hodge-podge" remained—why? Despite the handwriting on the wall (or perhaps because of it), which exposed the limitations in the existing law when tested in the practical situation of the Italo-Ethiopian dispute, no important progress was made toward the restatement of American policy.

Many factors, no doubt, contributed to the result. There was little or no active executive support in congressional circles for the executive's own measure. Had the Administration neutrality bill been pushed on Capitol Hill as some other measures have been, it is more than likely that a compromise would have been achieved among the supporters of stricter neutrality legislation. Perhaps it was the profound differences of opinion in both houses that immobilized executive pressure. For those differences originated in conflicts of ideas that, in turn, are rooted in wide differences of interest in the country. They received only incidental mention in the debates, but it is, perhaps, relevant to notice some of the elements that affect the pattern of opinion on neutrality policy.

Disputes crystallized around two major questions: discretionary versus mandatory power of the President to declare embargoes, and extension of the embargo, trade-at-risk, or peace-time-trade quota principle to war materials other than munitions. In the first, many of the real issues emerged; in the second, they were clouded in ratiocinations of legal argument and patriotic appeal.

The underlying question as to the discretionary embargo principle involved the degree of American coöperation in international efforts at collective security. The die-hard isolationists were unanimous in their opposition to giving the President any leeway in this direction. But, as already noted, the 1935 and 1936 measures did grant—as inevitably any such legislation must—considerable latitude. Even the inconclusive terms of Section 6 of the Administration bill [see table, note (a)] marked, from the point of view of international coöperation, a real advance on the 1935 legislation. The issue becomes one, therefore, of relative flexibility, and on that issue the peace groups were not sufficiently united to bring any effective pressure to bear either on the President to support the Adminis-

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materials to either belligerent to approximately the normal peace-time basis has not been the subject of legislation. Nevertheless, it is clear to me that greatly to exceed that basis, with the result of earning profits not possible during peace, and especially with the result of giving actual assistance to the carrying on of war, would serve to magnify the very evil which we seek to prevent. This being my view, I renew the appeal made last October to the American people, that they so conduct their trade with belligerent nations that it cannot be said that they are seizing new opportunities for profit or that by changing their peace-time trade they give aid to the continuation of war."

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tration bill or on Congress to enact it.[21] Their failure to agree—and to act—left the proponents of coöperation without any important support in public opinion, which still required education on the issues involved in what seemed a more or less technical matter of administration. It is one more instance of the futility of fractionalism in a situation where only a united front is capable of exerting effective pressure for legislation.[22]

The second question, the trade-at-risk or embargo of war materials, was discussed at great length in both committees. A memorandum by Professor John Bassett Moore was submitted to the Senate Committee, and Professor E. M. Borchard testified before both committees.[23] The arguments presented had to do not merely with the discretionary feature of the embargo of war materials which was most strongly criticized, but with the principle itself. Various objections were put forward, chiefly designed to indicate the unneutral character under existing international law of such embargoes and of the prohibition on American vessels in carrying such cargoes. The opinion was expressed that, were it not for the state of public opinion, it would be a wiser policy not to embargo even munitions. The prohibition of loans and credits would, it was pointed out, "take care of most of the difficulties . . . concerning alleged 'abnormal' trade." The principle of trade-at-risk was objected to as illusory. "Either the foreign government or the American shipper would have been misled" if an attempt to "reserve the freedom of the seas" were made under it. The implicit assumptions of the testimony appear to be two: the "right" of individual traders to carry on business where and with whom they please; and the continuing validity and unlikely abrogation in future wars (many of which may not be world wars) of historical doctrines of international law regarding such matters as contraband, indirect trade, etc. —or, to put it in other terms, the national interest of the United States in maintaining the traditional rules of neutrality, and the likelihood of its ability to do so.

The influence of the testimony in buttressing isolationist opinion in the Senate is evident from the debates.[24] It may, therefore, be useful to note one element in the situation which was indirectly adverted to in the debates,[25] i.e., the relation of the exporting industries to legislation restricting shipments to belligerents. The maintenance of traditional international law doctrines as to rights of neutral trade appears to be, and was

[21] The mobilization of peace-group pressure was so late as to be of little real importance. It was exerted ineffectively on the last day of the Senate debate, February 18. See *Congressional Record*, Vol. 80, p. 2304.

[22] See B. Bliven, "They Cry 'Peace, Peace'," *New Republic*, Vol. 85, p. 36.

[23] House Committee, *op. cit.*, pp. 51ff.; Senate Committee, *op. cit.*, pp. 171, 208ff.

[24] See, for instance, *Congressional Record*, Vol. 80, p. 2287 (Pittman), 2296 (Pope).

[25] *Ibid.*, p. 2293 (Bone), p. 2262 (Smith).

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widely, interpreted as the most advantageous governmental policy from the point of view of the export trades, whether in munitions or other war materials.[26] The dependence of many American industries on foreign markets, especially in Europe, for the continuance of high levels of production has frequently been pointed out.[27] The relation of the extension of loans and credits to belligerents to the continuance of war-time trade was realized by many in and out of the government during the Great War.[28] The question cannot be as thoroughly explored here as it should be; two aspects, one general, one specific, will, however, be considered briefly.

Generally, as to the domestic prosperity resulting from industrial activity stimulated or maintained by sales to belligerents in war time (very unevenly distributed from the national point of view, sectionally or socially), subsequent involvement in the war, if it occurs, inevitably produces an overwhelming net loss to the country.[29] And the evidence of the increasing likelihood of involvement arising out of trade relations is, as has been suggested, cumulative. It is, therefore, not unimportant to keep in mind the balance sheet of war costs in appraising the value of war trade in terms of "national interest."[30]

Specifically, too, it is by no means clear that an embargo on trade in war materials with belligerents would mean a total loss of exports even in these items.[31] The development of closer collaboration among neutrals, not only diplomatically, but in the stimulation of inter-neutral trade, if it would not offset, would mitigate, the immediate domestic hardships (to individual entrepreneurs and workers) of an embargo, or a peace-

[26] *Ibid.*, pp. 2171, 2297, for quotations of editorials and dispatches to this effect.

[27] See J. F. Rippy, "Foreign Markets and the Economic Position of the United States," *South Atlantic Quarterly*, Vol. 34, p. 15.

[28] See J. V. Fuller, "The Genesis of the Munitions Traffic," *Jour. of Mod. Hist.*, Vol. 6, p. 280. See also *Report of Senate Committee on Investigation of the Munitions Industry* (74:2, Senate Report, No. 944), Part 5, pp. 25 ff., 59 ff.

[29] J. J. Clark, *The Costs of the War to the American People* (New York, 1931).

[30] See C. Warren, "Contraband and Neutral Trade," *Proceedings of Academy of Political Science* (1935), p. 189, for a careful summation of profit and loss. The author shows that the net increase of exports to Europe for the first two years of the war was valued at $1,954,000,000, and that of the gross increase of $2,593,000,000, a total of $390,000,000 went to the neutrals.

[31] Professor Jessup has shown, for instance, that in the period 1911–13 the United States exported only 25.1 per cent of the total imports of Latin America, while the European belligerents exported 59.7 per cent. Had American exports been substituted, there would have been an increase of $750,000,000 in our foreign trade in that region alone. For the Far East, the increase would have been $400,000,000. In 1933, only 6.9 per cent of American exports went to South America, while we received 14 per cent of our imports from those countries. For Asia, the percentages were 17.7 and 29.4; for Europe, 50.9 and 31.9. The possibilities of shifts in trade appear large.

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time-quota trade restriction.[32] And the latter policy, despite many difficulties in domestic administration, not only provides no grounds for political complaint abroad, but affects minimally the national economy. As has been pointed out, the principle was accepted by the Administration as well as by the isolationists.

If there is no necessary relation between a particular interpretation of international law with respect to neutral rights and national interest in terms of trade with belligerents, it is pertinent to note that other interpretations and proposals, some of which were presented to the committees, support the principles embodied in the various bills submitted to Congress. It is out of the many elements that went into the crucible of the 1936 discussion and debate that a new law will be fashioned to give some permanence and consistency to our neutrality policy. Which of those elements are most significant? How may they be combined to create a logical and workable policy?[33]

III

It will be well to state at the outset three assumptions on which these considerations are based. First, that any policy pursued by the government will involve costs, individual in origin, but national in incidence—to the extent and through the processes by which individual are converted into general profits and losses. Second, that any policy—whether the existing so-called "laws" of neutrality or their most extreme antithesis—inevitably bears unequally on the belligerents in any given war. (The problem becomes one, therefore, of defining as well as possible what is conceived to be the most advantageous policy from the point of view of national interest, and of defining individual rights and duties in conformity with it.) Third, that the possibility, and even likelihood, of involvement is sufficiently great to make a policy of isolation from economic relations with belligerents relevant to our national interest.

Without attempting to analyze the meaning of national interest in this respect, it is here conceived as involving the non-participation of the United States in any war outside the American hemisphere which is not a concerted attempt, unequivocally so defined by international agreements, to prevent or to end aggression. The Treaty of Paris (and other

[32] The domestic effect of an embargo is, of course, unevenly distributed, especially in the agricultural field, as, for instance, cotton. But recent American agricultural policy suggests an increasing emphasis on diversified farming and the equation of production with domestic demand. In the industrial sphere, there is, for most industries, some flexibility, not only in amount, but in type of production.

[33] See W. W. Jennings, "The American Embargo, 1807–1808," *Univ. of Iowa Studies in the Social Sciences* (1921), No. 1; L. M. Sears, *Jefferson and the Embargo* (Durham, 1922), for an analysis of the balance of forces in the Napoleonic period—and the equilibrium achieved.

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agreements to which the United States is not a party) has sufficiently defined aggression, and has made clear the obligations of the signatories.[34] In order to accomplish this objective, it is necessary to obviate as many contacts between American citizens as feasible with the least possible disturbance of domestic conditions. How may this be accomplished?

First, should the embargo be mandatory or discretionary? As has been indicated, an application of the most extreme mandatory principle cannot obviate considerable executive discretion. The President's more intimate and continuous acquaintance and concern with foreign affairs equip him to deal with the great variety of possible situations more effectively than any other agency of the government. The extent of his discretion may be limited, as in Section 6 of the Administration bill noted above. Congressional approval of variations from embargoes impartially applied to all belligerents is, however, facilitated if the principle is embodied in the legislation rather than left to the exigencies of particular cases. But this is the most that can reasonably be expected in any permanent measure.

Second, to what should the embargo extend? Two subjects have already been brought within its terms: (1) munitions and (2) loans and credits. War materials—and these will include, practically, whatever is considered contraband by the belligerents—may be treated in any one of three ways: trade to be at the shipper's risk; trade to be restricted to quotas based on normal exports; trade in at least the most significant items, such as cotton, iron, steel, coal, and oil, to be embargoed. There are arguments for each of these policies. The first comes nearest to complete *laissez faire* as to trade (the present legal situation); it has the advantage of flexibility, but the disadvantage of leaving the door open to psychological pressures on the government if and when American property—or life—is injured by belligerent action. The second, as already suggested, creates no international, but will be the source of many domestic, complications. For instance, the allocation of quotas to particular producers and shippers, compensation for losses (hypothetical or real) on inexecutable contracts, will be difficult if not impossible to determine.[35] The third would provide the best insurance against involvement; its

[34] See, for instance, the Argentine Anti-War Treaty already noted, and the Convention Defining Aggression, July 3, 1933.

[35] For proposals on this problem, see the draft statute of the National Peace Conference, *op. cit.* There is no reason, except one of expediency, however, for assuming governmental responsibility for losses which in all but the most unusual cases can be attributed not to administration of the law but to the over-zealous pursuit of contracts by individual producers. A system of licenses similar to those issued by the National Munitions Control Board would facilitate regularity of operation of such a provision.

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adoption depends on willingness to pay the price—and the possibility of developing inter-neutral trade.[36]

Third, what other items should be included in a neutrality policy? Existing prescriptions regarding the travel of American citizens in belligerent war zones, regarding the use of American harbors by belligerent submarines, or for exports of prohibited articles in domestic or foreign vessels should be clarified and strengthened. Further, the voyages of American vessels in belligerent war zones should be prohibited; American ports should be closed to armed merchantmen and belligerent aircraft, as well as submarines, if trade is to be allowed on the present (or risk) basis; abuse of the American flag should be stringently punished by penalties against the merchant marine of the offending state. Finally, the National Munitions Control Board should be given separate statutory authority, and its licensing powers should be extended to other items of trade.

Finally, what aspects of general policy should be implemented with the neutrality program outlined above? First, inter-neutral collaboration should be strengthened by conventional agreements. The Argentine Anti-War Treaty of 1933 laid the basis for "a common and solidary attitude" among its signatories as neutrals. The 1936 resolution indicated the determination of the United States to pursue a Pan-American policy as to neutrality. Its proposals at the Buenos Aires conference, as amended in collaboration with Latin American states, are a small but distinct step toward two desirable objectives: closer inter-American collaboration and extra-American extension of the principle of collective neutrality. The implementation of the latter lies in the future. The limited form of the collaboration so far provided for marks, however, a very definite advance over previous inter-American agreements.[37] The extension of the principle of collaboration and a solidary policy to the economic sphere is implicit in a comprehensive neutrality program.

Moreover, recent events have pointed to the necessity of a more precise definition of the conditions under which the neutrality program is to become effective. The Italian aggression in Ethiopia, the civil war in Spain, events in other parts of the world, suggest that "a state of war" is too narrow a conception. The United States has itself led the way out of a purely legalistic interpretation of the phrase—evidenced by the

[36] It has been pointed out that such a policy might result in increasing armament production and policies of self-sufficiency abroad. See, for instance, A. W. Dulles, "Economic Implications of American Neutrality," *Annals of Amer. Acad.*, Vol. 186, p. 41. But that is not a matter over which the United States has any control, whatever its policy. Present indications do not suggest that the consideration is a material factor in the framing of armaments policies.

[37] For texts, see *New York Times*, Dec. 7, 1936, 8:2; Dec. 14, 14:1. In the draft treaty, the 1936 resolution was in effect reproduced.

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President's proclamation of October 5, 1935. But there are further precedents, e.g., the resolution of March 14, 1912, regarding the export of munitions to "any American country [in which] conditions of domestic violence exist."

The various resolutions, culminating in that of May 28, 1934, regarding export of munitions to Chaco, and the neutrality resolutions, suggest a new conception more flexible in application than "a state of war." The form of words in the Administration bill (sec. 4a) is as follows: "Whenever during any war in which the United States is neutral, the President shall find that the placing of restrictions on the shipment from the United States to belligerent countries of certain articles or materials used in the manufacture of arms, ammunition, or implements of war, or in the conduct of war, will serve to promote the security and preserve the neutrality of the United States, or to protect the lives and commerce of nationals of the United States, or that to refrain from placing such restrictions would contribute to a prolongation or expansion of the war, he shall so proclaim."[38]

The extension of this principle to the outbreak of armed conflict in any

[38] The delegation of discretion in these or similar words has recently been made the subject of a suit under the Chaco Arms Embargo Resolution of May 28, 1934 (48 Stat. 811). The demurrer to the indictment set up by the defendants was in part based on the contention that the resolution is an unconstitutional delegation in that one basis of the finding set forth in the resolution relates to future contingencies, and is essentially legislative in character. In the district court, this contention was upheld. The definition in the resolution of the finding to be made by the President that an embargo "may contribute to the reëstablishment of peace" was found by Judge Byers "not to amount to a sanctioned delegation of power to declare a legislative purpose effective in the event that certain prescribed conditions are found to exist [but] an empowering of the executive to make up the legislative mind as to the future efficacy of the law, as the reason for giving vitality to it." U. S. v. Curtiss-Wright Export Corporation (14 Fed. Suppl. 230, 1936). On appeal to the Supreme Court, the decision was reversed. Very broad grounds for the delegation of a wide discretion to the President were established by the Court. First, the nature of foreign relations, requiring secrecy in negotiation, and his "better opportunity of knowing the conditions prevailing in foreign countries . . . especially in time of war . . . [with] his confidential sources of information . . . disclose the unwisdom of requiring Congress in this field of governmental power to lay down narrowly defined standards by which the President is to be governed." In this respect, the difference between domestic and foreign relations was emphasized and this case distinguished from Panama Refining Co. v. Ryan (293 U.S. 388). Second, "the principles which justify such legislation find overwhelming support in the unbroken legislative practice which has prevailed almost from the inception of the national government to the present day. A legislative practice such as we have here goes a long way in the direction of proving the presence of unassailable ground for the constitutionality of the practice, to be found in the origin and history of the power involved, or in its nature, or in both combined" (*Ibid.*, Supreme Court, October Term, 1936, No. 98, 57 S. Ct. 216).

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area of the world, together with the essential discretion of the executive, as in the earlier resolutions concerning "domestic violence," would seem to provide an adequate definition of the conditions in which neutrality should apply.

There is one issue impending which may cut across the assumptions on which such a policy is based—the emergence of a *bloc* of states intent on pursuing their diplomatic objectives by *coup d'état* rather than through consultation. In an alignment east or west of us, in which such a contingency becomes of immediate and direct concern to us, neutrality may become irrelevant. But it is well to distinguish the purpose of our entry into any war of ideologies. In the situation suggested, we shall be returning to the principles of 1778, of offensive and defensive alliance, celebrated in the treaty with France. The considerations underlying such a course are different from, not antithetical to, the neutrality program outlined above. It will be well to make certain that involvement in such a war is on grounds, both legal and moral, more unequivocal than in 1914.[39]

PHILLIPS BRADLEY.

Amherst College.

[39] A very considerable body of literature has grown up during the past year or two in this field. The following selective list is indicative of the major trends: E. W. Crecraft, *Freedom of the Seas* (New York, 1935)—isolationist, *laissez-faire* as to neutrality; E. W. Dulles and H. F. Armstrong, *Can We Be Neutral?* (New York, 1936)—trade-at-risk, mild restrictionist; P. C. Jessup, *Neutrality, Today and Tomorrow* (New York, 1936)—coöperationist as to collective security, restrictionist as to trade (includes a useful bibliography); P. Bradley, *Can We Stay Out of War?* (New York, 1936)—coöperationist with reservation, strongly restrictionist as to trade. Besides the articles listed in the foregoing footnotes, see "American Neutrality Reconsidered," *Columbia Law Review*, Vol. 36, p. 105 (legal aspect of embargoes); J. E. Johnsen, *The Neutrality Policy of the United States*, Reference Shelf (1936), No. 7 (references, pro and con, on current issues); "American Neutrality," 15 *Congressional Digest* (1936), No. 1 (factual materials on the history of neutrality legislation); "The Attainment and Maintenance of World Peace," *Annals of Amer. Acad.*, Vol. 186 (economic and political aspects of neutrality and collective security); various articles in Vols. 29 and 30 of *Amer. Jour. Internat. Law* (1935 and 1936).

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Under appointment by the Department of State, Professor Charles G. Fenwick, of Bryn Mawr College, served as one of the seven delegates of the United States to the Inter-American Conference for the Maintenance of Peace, held at Buenos Aires beginning December 1.

President Harold W. Dodds, of Princeton University, has been appointed general consultant of the inquiry into the character and cost of public education now being carried out by the Board of Regents of the University of the State of New York.

Mr. G. Lyle Belsley, executive director of the Civil Service Assembly of the United States and Canada, is serving as special consultant on personnel matters to the Social Security Board.

Professor Frank G. Bates, of Indiana University, has postponed the leave of absence which he had planned to take during the second semester of the current academic year.

Professor Earl W. Crecraft has been made chairman of a newly created division of social sciences at the University of Akron.

Professor James K. Pollock, of the University of Michigan, has been granted leave of absence for the second semester of the current year.

Professor Edith C. Bramhall, of Colorado College, was elected president of the Colorado-Wyoming Social Science Association at its fall meeting in Denver.

Dr. Julian S. Duncan has been promoted to the rank of associate professor at St. Johns College, Annapolis, Maryland. With the aid of a grant from the Social Science Research Council, he is now completing a study of forest policy.

At the first national conference on educational broadcasting, held at Washington in December, Professor Arthur N. Holcombe, of Harvard University, delivered an address on "Radio Broadcasting as a New Force in American Politics."

Furman University announces the establishment of a department of political science, under the chairmanship of Dr. Nicholas P. Mitchell. Dr. Mitchell was formerly associated with the department of political science at Louisiana State University and at Duke University, and more recently has been acting head of the department of history and government at the University of Richmond.

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Professor Pitman B. Potter, of the Institute of Higher International Studies at Geneva, will exchange during the spring and first half of the summer quarter with Professor Quincy Wright, of the University of Chicago. At Geneva, Professor Wright will give a course on international organization and a seminar on the causes of war, and at Chicago Professor Potter will give a course on international organization and a seminar on international administration.

Mr. Raymond T. Nagle recently resigned his position as attorney-general of Montana to become director of the attorneys-general division of the Council of State Governments in Chicago. Mr. Nagle was for four years city attorney of Helena, served three terms in the Montana state legislature, and was secretary to Senator Thomas J. Walsh.

Mr. Charles E. Mills, formerly research secretary to Senator Otis F. Glenn of Illinois, and later research assistant to the executive officer of the Farm Credit Administration, has joined the staff of the Council on State Governments.

Four members of the Chicago group of national organizations of public officials participated in the Institute of Public Administration, held at the University of Alabama December 2 to 4: Carl H. Chatters, executive director, Municipal Finance Officers' Association; Norman Hebden, assistant director, American Public Works Association; Henry F. Hubbard, assistant director, Civil Service Assembly of the United States and Canada; and Lyman S. Moore, assistant director of training, International City Managers' Association.

Dr. Howard P. Jones, secretary of the National Municipal League, will represent the International City Managers' Association on the National Management Council, a group composed of representatives of various management societies. City managers who represent the Association on the Council are Wilder M. Rich, Hackensack, New Jersey, and William A. Miller, Clifton, New Jersey.

James W. Parry, for the past nine years city manager of Birmingham, Michigan, has resigned to become director of a training program for Michigan local government officials, sponsored jointly by the University of Michigan, the Michigan Municipal League, and the State Board for Vocational Education. The training will be taken to officials in the field through short courses, institutes, and zone conferences.

The Chicago Junior Colleges recently conducted a series of lectures in the field of government. Clarence E. Ridley, executive director of the International City Managers' Association, talked to five different groups on "Evolving Trends in Local Government"; Henry W. Toll, director of

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the Council of State Governments, on "Work and Problems of State Legislatures"; and Albert Lepawsky, assistant director of the Public Administration Clearing House, on "Metropolitan Regions."

Dr. Toyokichi Iyenaga, professor of political science at Waseda University from 1890 to 1895, secretary in the Japanese Department of Foreign Affairs from 1895 to 1898, commissioner of the Formosan government to India, Persia, Turkey, and China in 1898–1899, and professorial lecturer on political science at the University of Chicago from 1901 until 1920, died at his home near Oneida, New York, on December 29. Dr. Iyenaga was a graduate of Oberlin College and received his doctor's degree at the Johns Hopkins University in 1890. He had lived in retirement during the past sixteen years.

Dr. Albrecht Mendelssohn-Bartholdy, founder of the Hamburg Institute for International Affairs and editor of the German documents on the origin of the World War, died on November 27 at Balliol College, Oxford, where he had been senior research fellow since 1934. Dr. Mendelssohn-Bartholdy had been successively professor of international law at Leipzig University, professor of civil law and the law of procedure at Wuerzburg University, and professor of international law at Hamburg University, and he had edited *Handbuch der Politik* (1921–1933) and *Amerika-Post* (1929–1933). His principal published works included *Imperium des Richters, Buergertugenden,* and *The European Situation.* Dr. Mendelssohn-Bartholdy was well known in the United States, where he had travelled and lectured extensively.

The fifth annual meeting of the Tax Policy League was held in Chicago on December 28–29. Four sessions were devoted, respectively, to "Social Security Taxes," "Should Business be Taxed?," "How Business is Taxed," and "Taxation of Undistributed Profits." Professor Thomas H. Reed, consultant, National Municipal League, was chairman of the program committee. The League's monthly bulletin, *Taxbits,* will hereafter appear under the title *Tax Policy.* The November issue contained, among other things, a convenient summary of the results of popular votes on tax proposals in the states at the elections of November 3.

The Third Annual Conference on Government and Business in New Mexico, held at the University of New Mexico on December 4–5, had for its general theme Government Problems in New Mexico. Features of the program included addresses by Professor John P. Senning, of the University of Nebraska, on Nebraska's experience in setting up a one-house legislature; by Congressman Maury Maverick, of Texas, on neutrality and on the Southwest in national affairs; and by Professor A. S. White, of the University of New Mexico, on the need for a state research bureau on governmental problems.

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The ninth annual session of the Southern Political Science Association was held in Decatur and Atlanta, Georgia, on November 5–7. The principal topics discussed were the Hull reciprocity treaties, primary elections in the South, civic education in the South, and at sessions held jointly with the Southern Economic Association, problems of taxation and financial administration, consequences of the New Deal, and liberalism in the South. At the annual business meeting, the following officers were elected for 1937; president, Frank W. Prescott, University of Chattanooga; first vice-president, Robert R. Wilson, Duke University; second vice-president, Manning J. Dauer, University of Florida; recording secretary, W. V. Holloway, Tulane University; corresponding secretary and treasurer, Hubert Searcy, Birmingham-Southern College.

Thirty-second Annual Meeting of the American Political Science Association. For the second time in three years, the American Political Science Association held its annual meeting in Chicago, December 28–30. The registered attendance was decidedly the largest in the Association's history—a total of 403, as compared with 315 at Atlanta in 1935, 310 at Chicago in 1934, and 360 at Philadelphia in 1933. Other organizations meeting in Chicago simultaneously included the American Economic Association, the American Statistical Association, the American Sociological Society, the American Association for Labor Legislation, and the Association of American Law Schools. Following the practice of recent years, the program of the Political Science Association was devoted largely to section and round-table meetings. In full, it was as follows:

Monday Noon, December 28

SUBSCRIPTION LUNCHEON

Presiding Officer: Frank G. Bates, Indiana University.
Topic: "Recent Progress in Planning in the United States."
Speaker: Charles E. Merriam, University of Chicago.

Monday Afternoon, December 28

SECTIONS:

(1) "The Pros and Cons of Judicial Review"

Chairman: Arthur N. Holcombe, Harvard University

Discussion leaders: Max Lerner, Editor, *The Nation*, New York City; Walton H. Hamilton, Director, Bureau of Statistics, Social Security Board; Arthur A. Ballantine, New York City; David J. Lewis, Member of Congress, Washington, D. C.; Oliver P. Field, University of Minnesota.

(2) "The Good Neighbor Policy"

Chairman: J. Fred Rippy, University of Chicago

Discussion leaders: Lawrence F. Hill, Ohio State University; James W. Garner, University of Illinois; Quincy Wright, University of Chicago; Chester Lloyd Jones, University of Wisconsin.

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(3) "Administration of New Governmental Activities"

Chairman: Louis Brownlow, Director, Public Administration Clearing House

(a) "The Developing Administration of Social Security," Charles McKinley, Reed College.

(b) "The Federal Administration of Public Relief Works," Arthur W. Macmahon, Columbia University.

(c) "New Developments in Public Administration by the T.V.A.," John B. Blandford, Jr., Tennessee Valley Authority, Knoxville, Tenn.

Monday Evening, December 28

GENERAL SESSION

Presiding Officer: Louis Brownlow, Director, Public Administration Clearing House.

Topic: "The University and Public Affairs."

(a) "Education for Public Service," Otis T. Wingo, Jr., National Institute of Public Affairs.

(b) "The University and Adult Political Education," Thomas H. Reed, National Municipal League.

Tuesday Morning, December 29

ROUND TABLES

(1) "University Courses of Training for the Public Service"

Chairman: William Anderson, University of Minnesota

Discussion leaders: Leonard D. White, U. S. Civil Service Commission; Morris B. Lambie, Harvard University; Luther H. Gulick, Institute of Governmental Research; Thomas H. Reed, National Municipal League; K. C. Leebrick, Syracuse University; Lloyd M. Short, University of Minnesota; William S. Carpenter, Princeton University.

(2) "The Press and Public Affairs"

Chairman: Philip S. Broughton, Washington, D. C.

Discussion leaders: H. Schuyler Foster, Jr., Ohio State University; Don Stevens, formerly National Guild Officer; Harwood L. Childs, Princeton University; Lawrence Eager, Dartmouth College; Thurman W. Arnold, Yale University; Leo C. Rosten, Washington, D. C.; W. J. Couper, Washington, D. C.

(3) "Reorganization of County Government"

Chairman: Earl L. Shoup, Western Reserve University

Discussion leaders: Charles M. Kneier, University of Illinois; Kirk H. Porter, State University of Iowa; J. W. Manning, University of Kentucky; Edwin A. Cottrell, Leland Stanford University; George W. Spicer, University of Virginia; Orren C. Hormell, Bowdoin College; Roderick L. Carleton, Louisiana State University; John P. Senning, University of Nebraska.

(4) "International Aspects of Raw Material Self-Sufficiency"

Chairman: Brooks Emeny, Foreign Affairs Council

Discussion leaders: Walter H. C. Laves, League of Nations Association; S. Shepard Jones, Harvard University; Quincy Wright, University of Chicago; William P. Maddox, Princeton University; Kenneth Colegrove, Northwestern University; Harold Tobin, Dartmouth College; R. R. Wilson, Duke University;

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F. A. Middlebush, University of Missouri; Royden L. Dangerfield, University of Oklahoma; Ralph Norem, Superior State Teachers' College; A. Vandenbosch, University of Kentucky.

(5) "Political Parties"

Chairman: Thomas S. Barclay, Stanford University

(a) "The Presidential Primary: A Reappraisal," Louise Overacker, Wellesley College.

(b) "Propaganda Technique in the 1936 Presidential Campaign," Ralph D. Casey, University of Minnesota.

(c) "New Developments in Political Strategy," Roy V. Peel, New York University.

Discussion leaders: Clarence A. Berdahl, University of Illinois; James K. Pollock, University of Michigan; Arthur W. Macmahon, Columbia University; Harold F. Gosnell, University of Chicago; Peter H. Odegard, Ohio State University; Joseph R. Starr, University of Minnesota; E. Pendleton Herring, Harvard University; Kirk H. Porter, State University of Iowa; Finla G. Crawford, Syracuse University; Schuyler C. Wallace, Columbia University; Edward M. Sait, Pomona College; Harold D. Lasswell, University of Chicago; J. T. Salter, University of Wisconsin.

(6) "The Loss of Nationality"*

Chairman: Rinehart J. Swenson, New York University

Discussion leaders: Richard W. Flournoy, U. S. Department of State; Henry B. Hazard, U. S. Immigration and Naturalization Service; Donald Young, University of Pennsylvania; S. P. Breckinridge, University of Chicago; Catheryn Seckler-Hudson, American University; Philip C. Jessup, Columbia University; Ruth C. Bernstein, National Council of Naturalization and Citizenship.

Tuesday Noon, December 29

SUBSCRIPTION LUNCHEON

Presiding officer: Charles West, Under Secretary of the Interior.

Topic: "Governmental Organization and Crime Control."

Speaker: Honorable Justin Miller, U. S. Department of Justice.

Tuesday Afternoon, December 29

ANNUAL BUSINESS MEETING AND REPORT OF OFFICERS AND COMMITTEES

Presiding officer: Arthur N. Holcombe, Harvard University.

Tuesday Evening, December 29

PRESIDENTIAL ADDRESSES

(Joint meeting with the American Economic Association, the American Sociological Society, the American Statistical Association, and the American Association for Labor Legislation.)

Presiding officer: Walter F. Willcox, Cornell University.

Speakers: Alvin S. Johnson, President, American Economic Association; Arthur N. Holcombe, President, American Political Science Association; Joseph S. Davis, President, American Statistical Association; Henry Fairchild, President, American Sociological Society; Joseph P. Chamberlain, President, American Association for Labor Legislation.

* In coöperation with the National Council for Naturalization and Citizenship.

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Wednesday Morning, December 30

ROUND TABLES

(7) "Political Liberty Today—Is It Being Restricted or Enlarged by Economic Regulation?"

Chairman: Francis W. Coker, Yale University

Discussion leaders: Francis G. Wilson, University of Washington; T. V. Smith, University of Chicago; Max Shepard, Cornell University; Carlton C. Rodee, University of Southern California; Hugh L. Elsbree, Dartmouth College.

(8) "Regionalism in Governmental Planning and Administration

Chairman: John M. Gaus, University of Wisconsin

Discussion leaders: William Anderson, University of Minnesota; Charles Ascher, Social Science Research Council; George Benson, University of Michigan; Phillips Bradley, Amherst College; Frederick Gutheim, author of various studies on regionalism; Charles McKinley, Reed College; Howard Odum, University of North Carolina; John C. Russell, Syracuse University.

(9) "An Appraisal of State Administrative Reorganization"

Chairman: Frank M. Stewart, University of California at Los Angeles

Discussion leaders: Finla G. Crawford, Syracuse University; Lloyd M. Short, University of Minnesota; H. C. Nixon, Tulane University; W. Brooke Graves, Temple University; Donald C. Stone, Public Administration Service; J. Alton Burdine, University of Texas; Harvey Walker, Ohio State University; George C. S. Benson, University of Michigan; V. O. Key, Social Science Research Council; William H. Edwards, New Mexico State College; George W. Spicer, University of Virginia; Charles W. Shull, Wayne University; Spencer D. Parratt, Syracuse University; Edith Bramhall, Colorado College; Harold Dorr, University of Michigan; Edwin Cottrell, Stanford University.

(10) "After the Neutrality Legislation—What?"

Chairman: Quincy Wright, University of Chicago

Discussion leaders: Clarence Berdahl, University of Illinois; Frederick L. Schuman, University of Chicago; Walter H. C. Laves, League of Nations Association; Charles G. Fenwick, Bryn Mawr College: Honorable Elbert D. Thomas, United States Senate; J. W. Garner, University of Illinois; Raymond L. Buell, Foreign Policy Association.

(11) "Dictatorship and Constitutionalism in European Countries"

Chairman: Roger H. Wells, Bryn Mawr College

Discussion leaders: Karl Loewenstein, Amherst College; Harold C. Deutsch, University of Minnesota; H. Arthur Steiner, University of California at L. A.; Fritz Morstein Marx, Harvard University.

Wednesday Noon, December 30

JOINT SUBSCRIPTION LUNCHEON

(With the American Association for Labor Legislation)

Presiding Officer: Arthur N. Holcombe, Harvard University.

Topic: "Social Welfare and the Constitution."

Speakers: Lloyd K. Garrison, University of Wisconsin; Donald Richberg, Washington, D. C.

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The Secretary-Treasurer reported a total membership of 1,922 (the largest in the history of the Association), classified as follows: life members, 47; sustaining members, 15; annual and associate members, 1,860. During the year, 203 new members were gained and 135 members lost—a net gain of 68 as compared with 53 in the preceding year. The financial report of the Secretary-Treasurer for the year showed total receipts of $9,330.27 and expenditures of $9,265.19, and a budget for 1937 was adopted estimating receipts at $9,390.00 and expenditures at $9,690.00.

At the annual business meeting, officers for 1937 were elected as follows: president, Thomas Reed Powell, Harvard Law School; first vice-president, William E. Mosher, Syracuse University; second vice-president, Louis Brownlow, Public Administration Clearing House; third vice-president, Russell M. Story, Pomona College; secretary-treasurer, Kenneth Colegrove, Northwestern University; members of the Executive Council for the term 1937–39, A. B. Butts, University of Mississippi; John P. Comer, Williams College; Arthur W. Macmahon, Columbia University; Roscoe C. Martin, University of Texas; and James K. Pollock, University of Michigan. A special vote of thanks was tendered the retiring secretary-treasurer, Clyde L. King, for seven years of faithful and arduous service to the Association.

The report of the Managing Editor of the REVIEW analyzed the contents of Volume XXX (concluded with the December issue) and of the five volumes for 1932–36 inclusive; commented at some length on problems connected with obtaining and selecting materiáls for publication; summarized some results of a recent inquiry among members concerning different aspects of REVIEW policy; requested authorization of editorial expenditures in the same amounts as in the preceding year; and invited suggestions and coöperation from members. On his recommendation, William Anderson, University of Minnesota, and Robert E. Cushman, Cornell University, were reëlected, and Marshall E. Dimock, University of Chicago, James Hart, University of Virginia, and Alpheus T. Mason, Princeton University, were newly elected, to membership in the Board of Editors for the customary two-year term.

On behalf of the reconstituted Committee on Policy, Arthur N. Holcombe, chairman, submitted the report for 1936 printed below.

For the Committee on Civic Education by Radio, Thomas H. Reed, chairman, called attention to, and in part summarized, the recently published report, *Four Years of Network Broadcasting* (preprinted from *Radio and Education*, University of Chicago Press, 1936). It was explained that although obstacles of various sorts had kept the Committee off the air since June, consideration was being given a proposed experiment with electrically transcribed educational programs, to be booked directly with individual radio stations irrespective of network affiliation.

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Among other reports received and filed were those of (1) William Anderson, as representative of the Association in the Social Science Research Council, briefly reviewing that organization's activities, and (2) Frederic A. Ogg, as representative in the American Council of Learned Societies, calling attention to a fund for aid to publication of scholarly monographs and mentioning a number of the Council's other undertakings.

In accordance with earlier decisions, it was announced that the next annual meeting of the Association will be held at Philadelphia, in December, 1937, in pursuance of a project for the assembling of all major national historical and social science organizations in that city as a feature of the observance of the one hundred fiftieth anniversary of the framing of the national Constitution.—F.A.O.

Report of the Committee on Policy for 1936. In pursuance of the decision of the American Political Science Association at its annual meeting at Atlanta in December, 1935, to reorganize the Committee on Policy in order to reduce its size and to coördinate its work more closely with that of the Executive Council, it was decided to fix the size of the new committee at seven members instead of sixteen and to make such appointments as would bring it about that all members of the Committee on Policy would also be members of the Executive Council of the Association. To this end, the president of the Association appointed three regular members of the Executive Council to the reorganized Committee—one from each of the three classes of councilors—together with the first vice-president of the Association, the secretary-treasurer, and the retiring president. The incoming president took on the duties of chairman of the Committee, thus completing its membership.

The Committee held two meetings during the year. The first took place on February 29 at Philadelphia. The Committee decided to continue the program of political research and political education, but to reduce the rate of expenditure in order to conserve the funds at the Committee's disposal. In pursuance of this policy, the publication of a *Student's Guide* edited by the Sub-Committee on Publication, was financed, and several regional conferences arranged under the supervision of the Sub-Committee on Political Education were also financed in accordance with the established practice. These meetings seem to have been particularly successful, as might perhaps have been expected in view of the experience of Professor Cullen B. Gosnell, chairman of the Sub-Committee, gained in previous years.

The second meeting of the Committee on Policy was held at Washington, D. C., on May 22 in connection with a conference called by Dr. J. W. Studebaker, United States commissioner of education. The Committee

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discussed plans for the 1937 meeting of the American Political Science Association at Philadelphia in connection with the sesquicentennial of the framing of the Constitution of the United States, and authorized Professor F. W. Coker, of Yale University, to take charge of the preliminary preparation of the program for that meeting.

The Committee also discussed a project which had previously been presented to it at the February meeting by the chairman for an investigation of academic freedom and the protection of the civil rights of teachers in the social sciences. It had been suggested that a commission of inquiry like those established some two years ago to investigate *Public Personnel Problems* and *International Economic Policies* should be created for the purpose of investigating and reporting upon academic freedom and the civil rights of social science teachers. The Committee authorized the chairman to get in touch with officers of other professional associations in the field of the social sciences in order to prepare a project for presentation to the Rockefeller Foundation at as early a date as possible.

The chairman communicated with the presidents of the American Historical Association and the American Economic Association and found them sympathetic with the purpose of the project and willing to cooperate. He also got in touch with Dr. George F. Zook, president of the American Council on Education, with a view to coöperating with organizations representing other bodies of teachers. It appeared that the American Council on Education and other professional associations of American teachers had already been considering a project for the same purpose, and it appeared desirable to revise the plans of the Committee on Policy in order to prepare for the submission of a project more broadly conceived than at first. Negotiations with Dr. Zook and other leading educators have proceeded during the latter part of the year.

Preliminary discussions of a possible project with representatives of the Rockefeller Foundation indicate that the project should be prepared on a very broad basis, and that sufficient time should be devoted to the preliminary inquiries to insure that the project, when prepared, shall be both comprehensive and sound.—ARTHUR N. HOLCOMBE, *Chairman.*

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The American Political Scene. EDITED BY EDWARD B. LOGAN. (New York and London: Harper and Brothers. 1936. Pp. viii, 264.)

This book does not pretend to be a systematic treatise. It analyzes certain fundamental phases of American politics. In successive chapters, A. N. Holcombe examines the present-day characteristics of parties; E. B. Logan, party organization; J. T. Salter, the politician and the voter; H. R. Bruce, presidential campaigns; J. K. Pollock, the use of money in elections; and H. L. Childs, pressure groups and propaganda. Although the chapters are uneven in quality and do not everywhere justify the claim of the preface to "a great deal of research," their value, in the aggregate, is incontestable. They should interest both the student of politics and the general reader.

Professor Holcombe makes the outstanding contribution. The insight, originality, and control of data that marked *The Political Parties of Today* are equally apparent here. Making good use of election statistics, he derives from them a durable pattern of behavior on the part of the electorate and a key to the real character of the major parties. Divergent sectional interests provide the key. But it is necessary to look within the sections and observe the popular attitude in individual states. On the basis of the vote cast in the four presidential elections preceding 1936, Professor Holcombe classifies the states in five groups according to their deviation from the average percentage of the national vote for the two parties; and from this classification he makes it clear what the strategy of the leaders must be. He turns then to the forces operating within the states, particularly to the division between country and city. Maps and tables help greatly in clarifying the whole discussion. It should be added that some sage comments are made upon the possible realignment of parties.

Professor Pollock deals competently with campaign funds and corrupt practice legislation. Professor Salter has portrayed the politician with a deft hand. He seems to have become acquainted with the type less through the observations of others than through personal study of individual cases. His language is often arresting and felicitous. The politician must "be able to look at life exactly as it is, and without a shudder." He is "rigorously contemporaneous" and distinguished by not breaking his word. His strength "comes from the support of concrete individuals whose specific wants he has satisfied, and not from an anonymous public." He "must identify himself with some spot on the earth's surface. He must be one who is here today and here tomorrow too." No doubt Professor Childs has cultivated pressure groups with equal assiduity. The result takes shape, however, in a somewhat dreary succession of truisms and

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commonplaces, dressed out in a jargon or patter of "pressure resources," "objective indices," "opinion cohesion," "parallelogram of forces," and so on. He has hopes that, by means of the parallelogram, significant changes in public opinion can eventually be forecast. He might profit by reading Hobson's appraisal of thaumaturgic terminology as sometimes used in the social sciences.

A little editing might have saved the book from many lapses in scholarship. Each writer has his own system of footnotes. While the worst eccentricities occur with regard to magazine articles, some being quite unpardonable, two writers fail to give the date or edition of books; and others give wrong dates. Professor Logan even gives wrong pages, and, in the case of Ostrogorski, the wrong title as well. He makes strange misstatements that indicate little disposition to do "a great deal of research." Thus, he asserts that "many" senators and representatives, as well as "a large number" of state chairmen, serve on the national committees. The actual figures, early this year, showed a very different situation. The Democratic committee contained five senators, one representative, and no state chairman; the Republican committee contained only one in each category. A footnote, referring to an absurd generalization by Frank R. Kent, makes matters still worse. Professor Bruce betrays a similar weakness. If, for example, he had been familiar with the actual proceedings of national conventions, he would have escaped serious errors regarding the report of the committee on credentials.

Taken as a whole, the book has great merits. These so far outweigh its defects as to suggest the desirability of an immediate revision.

EDWARD M. SAIT.

Pomona College.

After the New Deal, What? BY NORMAN THOMAS. (New York: The Macmillan Company. 1936. Pp. ix, 233.)

Even though the election upset many of his observations on the New Deal, Mr. Thomas would be the first to say that the unprecedented and unexpected Democratic landslide does not change the major thesis of his book. "The New Deal as it was, and any successor to it which President Roosevelt may create, will be expressions not of socialism but of capitalism." But capitalism, argues Mr. Thomas, cannot meet the demands of modern times. Economic catastrophe or war is inherent in the system. Even if capitalism could avoid such calamities, its own internal contradictions prevent it from realizing the material abundance made possible by modern technology. Capitalism is an individualistic economy geared to a day when the scarcity of goods was the major problem. How can a system requiring a scarcity of goods to keep it going ever produce abun-

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dance? Power-driven machinery today presages potential plenty (an "inescapable fact of American life which will influence every future development") and makes production a social or community operation which can find proper expression only in a collective economy. Capitalism as an economic system, together with much of its superstructure of political and social institutions, is outmoded.

In such a situation, the only terms on which capitalism can live are the terms on which it lives under fascism in much of Europe. And this is the probable answer to the question posed in the title of the book: "After the New Deal: Fascism." The occasion for its appearance will be a new crisis either of economic collapse or war. One or the other—perhaps both —seems inevitable. American fascism will be state capitalism, employing some sort of planned economy, requiring an immense degree of national control and national ownership, and will have the objective of saving the status of the middle class and private profit system. It will be strongly nationalistic. There will be the usual brutality.

But such an outcome need not be inevitable if only there is a concerted effort to build the coöperative commonwealth of socialism advanced and explained in this book. Dynamic forces tending in this direction are the consumers coöperative movement, the labor union movement, particularly the C.I.O., and their possible coöperation with farmers in a farmer-labor party able to see the real issue, willing to accept the challenge of the times, and determined to effect fundamental change.

Admirable as a campaign document, this book merely repeats what is already familiar. The world is urgently in need of less frequent publications and much more reflective thinking.

GEORGE H. E. SMITH.

Yale University.

Public Personnel Administration. By WILLIAM E. MOSHER AND J. DONALD KINGSLEY. (New York: Harper and Brothers. 1936. Pp. xiii, 588.)

The Frontiers of Public Administration. By LEONARD D. WHITE, JOHN M. GAUS, AND MARSHALL E. DIMOCK. (Chicago: University of Chicago Press. 1936. Pp. viii, 146.)

In *Public Personnel Administration*, William E. Mosher and J. Donald Kingsley have supplied university teachers of public administration with a comprehensive text-book on governmental personnel. Frankly patterned after the leading works on private personnel management, it treats practically every aspect of the subject. Despite the fact that the treatment is as a rule brief on any given topic, the scope of the book is so wide that the main text runs to 553 fairly large, closely printed pages. It is based mainly on a comprehensive review of the existing literature, from

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which it quotes freely, often reproducing statistics, forms, regulations, and so on. Only occasionally do the authors present the results of their own original studies or experiences, and they are not much given to expressing their own views on controversial matters. Rather, they expound more or less accepted doctrine.

The horn of the dilemma chosen by the authors is to present under a given topic what they regard as the most significant material from the national, state, or municipal fields, and from foreign and private experience as well. This method does not give a complete or well-rounded picture of any one personnel system. Some of the criticisms and comments applicable to the situation in general, or on the average, are not applicable to certain jurisdictions. Probably the federal system and that of the most progressive states are on the whole better than the student will gather from this text. Some teachers may prefer to give a reasonably thorough treatment of one system, introducing the others on a comparative basis. Our federal form of government, with its forty-eight states and thousands of local governments, makes the task of authors who would be comprehensive nothing short of monumental. The present authors have done well with it.

Leonard D. White, John M. Gaus, and Marshall E. Dimock were associated for a time in teaching and research in public administration at the University of Chicago. Out of their discussions of their work and problems grew the series of seven essays now published in a small volume entitled *The Frontiers of Public Administration.* White contributes "The Meaning of Principles in Public Administration"; Gaus, "The Responsibility of Public Administration," "A Theory of Organization in Public Administration," and "American Society and Public Administration"; and Dimock, "The Meaning and Scope of Public Administration," "The Rôle of Discretion in Modern Administration," and "The Criteria and Objectives of Public Administration."

"Having considered . . . several points of view, namely, public administration as law, as institution, as experience, as theory and invention, and as problem and relationship . . . ," Dimock pulls together the various emphases and formulates the definition: "Public administration includes the problems, powers, organization, and methods of management employed in enforcing the law and in discharging governmental responsibilities." The reviewer regards this definition as reasonably comprehensive, because the problems of government and governmental responsibilities have in our modern world an almost all-embracing sweep across the fields of human knowledge and interest. All three of the writers are far away from those who consider public administration as a narrow and specialized field.

The essays are in the main philosophical. Not only have the writers

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been reading, teaching, and conducting research in their field, but, more important, they have been thinking about the boundaries of it—what is within the boundaries, what it all has to do with the life we now lead, and more especially the future which we face. They draw from the rich background of their studies and observations for illustrations and examples, but never do they merely describe or attempt to give the readers only the facts in the case.

Throughout the essays runs the conviction that the trend leading toward more social control, and hence more organization and administration, has by no means run its course. The rôle of public administration will be greater in the future. The attitude of the public toward government is unquestionably changing. What is needed is better understanding of the nature of the problems involved and of the extent to which old ideas and prejudices impede their solution. These essays are a contribution toward this better understanding.

LEWIS MERIAM.

The Brookings Institution.

National Taxation of State Instrumentalities. By ALDEN L. POWELL. Illinois Studies in the Social Sciences, Vol. XX, No. 4. (Urbana, Ill.: University of Illinois. 1936. Pp. 166.)

For those interested in federal-state relationships, and for others interested in constitutional adaptation by judicial process, this monograph is of considerable interest. The study presents the legal history of the rule in American constitutional practice that the governmental instrumentalities of states and their political subdivisions are generally immune from taxation by the national government.

The book divides naturally into two parts. Following the introduction, five chapters deal, in order, with national stamp tax laws and state instrumentalities, national taxation of state officers and employees, national taxation of the obligations of states and their political subdivisions, national taxation of non-governmental, proprietary agencies of the states and their political subdivisions, and national taxation of state educational institutions. Factual data gleaned from the statutes, administrative rulings, and court decisions are marshalled and interpreted with respect to each division. Part II is a substantial section in which the author interprets the factual data, illustrates the confusion in court decisions, summarizes the present situation, and suggests means for clarification of the rules governing state immunity from national taxation.

The study indicates that the Supreme Court has tended to adhere too slavishly to the rule of *stare decisis* in instrumentality cases. In those cases in which the Court has refused to extend immunity to state agencies, the

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decisions show that it gave more attention to the probable effect of the tax: whether it would prove burdensome to state agencies or, on the other hand, whether extension of immunity might seriously burden the revenue demands of the national government.

It is suggested that the pragmatic attitude is the reasonable approach to a solution of all controversies involving the tax liability of state agencies. Dr. Powell holds that the Supreme Court should reconsider its earlier decisions in this field of constitutional law, especially Collector v. Day and Pollock v. Farmers' Loan and Trust Co., and determine whether the changed political and economic conditions of modern times still warrant the exemption from national taxation of salaries of state and local officers and income derived from state and local securities. Since the rule of immunity of state and local agencies from national taxation rests entirely on judicial interpretation of the Constitution, and is not expressly stipulated in the instrument, Mr. Powell's position is well taken. He further suggests that "where the question presented involves a point of constitutional law, *stare decisis* should not apply at all, because the Constitution is the supreme law of the land, and whenever judges believe their previous decisions to be in error they should enforce the constitutions and not the decisions."

The study demonstrates that the immunity of state instrumentalities from national taxation is being whittled away, but that this is not being done in accordance with consistently applied principles. Immunity no longer exists with respect to proprietary functions; it no longer exists when it seems to conflict with the powers of Congress other than the revenue power; nor does it exist when the Court finds that the national revenue power itself is seriously burdened.

In view of the contradictions in the decisions handed down by the Supreme Court in this field, and in view of the confusion resulting from such contradictions, Dr. Powell's suggestion that the Court reconsider the whole question as a new issue is sound. The whole subject is handled admirably. The text is fully documented and an extensive, well organized bibliography is included.

IVAN L. POLLOCK.

State University of Iowa.

Taxation and Public Policy. By PAUL STUDENSKI AND OTHERS. (New York: Richard R. Smith. 1936. Pp. 267.)

Introduction to Governmental Accounting. By LLOYD MOREY. Second Edition. (New York: John Wiley and Sons. 1936. Pp. xvi, 318.)

Taxation and Public Policy is a discussion of current problems of American and European public finance. Dr. Paul Studenski edited the volume

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and contributed three of the twelve chapters. Other contributors include: A. E. Buck, "Public Budgeting"; F. L. Bird, "Municipal Credit"; J. K. Norton, "Educational Finance"; P. H. Cornick, "Local Taxation"; M. S. Kendrick, "State Finance"; W. Withers, "Federal Finance"; C. Heer, "Coördination of Finance"; G. Colm, "European Finance"; and H. Dalton, "Who Pays for War." Each writer has admirably summarized the problems in his field. Interest centers upon the forecast of national tax policy in the final chapter. Should not this chapter have been definitely related to the broad foundation furnished by the various contributors? An ardent advocate of taxation as a means of social reconstruction and peaceful establishment of a social service state (p. 177), Dr. Studenski suggests (a) nationalization of the munitions industry, (b) repeal of tax exemption for government bonds, (c) reorganization of local finance and administration, (d) coördination of federal, state, and local finance, (e) imposition of deflationary taxes at the first sign of inflation, (f) steeply graduated income taxes, together with the confiscation of inheritances in excess of five million dollars (p. 172), (g) use of sales taxes as instruments of social control, (h) government programs for capital outlays covering five- to ten-year periods, (i) continuation as a permanent policy of government expenditures for cheaper electric power, housing, education, health, and social security. No effort was made to compare this comprehensive program with foreign governmental policies, nor to integrate it with earlier American reforms in periods of labor or popular unrest. The effects upon security of employment and the business community are not indicated. Appendix C contains sixty-eight pages of testimony from U. S. Senate committee hearings, August, 1935. The valuable qualities of the volume are best seen in its authoritative summary of present and future public fiscal problems.

Introduction to Governmental Accounting, by Dr. Lloyd Morey, is a thoroughly revised edition of a pioneer work in this field. Since the publication of the first edition in 1927 (reviewed in this REVIEW, Vol. 22, p. 793), notable changes have occurred in the treatment of governmental accounts. The new edition presents improved methods by which public financial transactions are planned and recorded. It is intended as a textbook for students and as a manual for public officials. A new chapter on accounting for publicly owned utilities has been included. Of interest to teachers are sixty-three pages of problems. Clarity of statement and logical arrangement of materials continue this book as an outstanding text on fundamental principles in the public accounting field.

EDWARD W. CARTER.

University of Pennsylvania.

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Administration of Workmen's Compensation. By Walter F. Dodd. (New York: The Commonwealth Fund. 1936. Pp. xviii, 845.)

Under the auspices of its Legal Research Committee, the Commonwealth Fund of New York City has aided in the preparation of another thorough and penetrating study in the field of administrative law.[1] Investigations sponsored by the Committee and carried on for a period of six years by Dr. Walter F. Dodd and a staff of assistants have resulted in the first comprehensive analysis of the various types of statutory provisions in federal and state workmen's compensation laws in the United States, with a discussion of the issues and problems involved in the administration of these acts.

Though the main purpose of the compensation acts, i.e., to secure direct and efficient settlement of claims for industrial accidents with a minimum of expense and delay, has to a considerable degree been secured in all but a few states, it is apparent from the data presented that much remains to be accomplished to obtain a satisfactory compensation system. Court administration of workmen's compensation laws has been found, as a rule, inefficient and wasteful. The agreement or direct settlement plan used in many states to handle a large part of compensation claims results, on the other hand, in frequent bargaining between insurance companies and claimants and the acceptance of inadequate awards. Only when a state provides for a special board or commission charged with the duty of administering workmen's compensation laws and a careful supervision is maintained by such a board over the entire process of the settlement of claims are the purposes of the act effectively carried out.

Despite all of the efforts to attain simplified procedure in the trial of contested cases, Dr. Dodd observes that the courts, through the practice of reviewing decisions, have in many states maintained the dominance of legal procedure, with many of its delays, technicalities, and inordinate costs. And the persistent efforts to make the findings of fact of the compensation boards final have been to a considerable degree thwarted by the attitude of the justices in insisting that a determination of the law of the case necessarily requires an examination of the evidence, and hence a review of the facts, so far as they are contained in the record. The prevalence of court review of compensation cases, particularly in certain states, along with the tendency to follow common law rules of evidence and procedure, accounts in large part for the tendency of claimants to retain attorneys to represent them in the trial of compensation cases, thus encouraging forms of litigious procedure which most of the compensation acts have tried to prevent.

[1] Others include the volumes of Henderson on the Federal Trade Commission and Sharfman on the Interstate Commerce Commission.

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As thorough and comprehensive as this study is, it has certain defects which detract from its serviceableness, especially so far as the ways and methods for the improvement of industrial accident legislation and administration are concerned. Much of the detail of statutory provisions and administrative procedure should have been omitted or presented in condensed form in order to bring to the forefront the consideration of problems of legislation and of administration. Administrative and legislative practices regarding workmen's compensation in foreign countries, and especially the successful type of administration in some of the Canadian provinces, deserved more space and attention. It seems to be taken for granted that many of the practices which have been formalized in the American system of administration are subject only to minor modifications and amendments, when a more thorough revision along certain lines appears urgent. Thus the increasing tendency of the courts to review accident cases, with the consequent formalization of compensation procedure as well as the preying of a discredited element of the legal profession upon the credulity and helplessness of claimants or their dependents, is treated as an inevitable consequence of the administration of justice according to common law standards.

Despite the failure to treat the subject as critically and constructively as many may wish, the outstanding evils in the administration of workmen's compensation are dealt with and many suggestions are made for securing more effective laws and administrative methods. All who are interested in the issues and problems of workmen's compensation legislation will find this study indispensable, and the author as well as those who coöperated with him are to be commended for the ground-breaking work which the volume represents.

CHARLES GROVE HAINES.

University of California at Los Angeles.

The Police and Modern Society. By AUGUST VOLLMER. (Berkeley, California: University of California Press. 1936. Pp. 253.)

Years before American criminologists and police administrators were discussing the really fundamental issues involved in an effective reform of the administration of criminal justice, August Vollmer, with the fearlessness and vision of the pioneer, was calling attention to basic issues. What he writes in the little volume under review has the true ring of honest intellectual coin. A "practical cop," Vollmer has from the first urged the need of combining the researches and theories of scholars with the observations of those on the firing line.

When such a man writes a book, it is very likely to be good with the goodness that comes of careful marshalling and interpretation of facts.

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The Police and Modern Society is a non-technical book, accurate though not loaded down with the freight of footnotes, appendixes, and other customary scholarly paraphernalia. The ordinary citizen can learn a great deal from this little volume, and the professional criminologist and police administrator will find much food for thought in it.

It begins with a survey chapter showing the newer content which social transformation is gradually pouring into the concept of police work. Not only have the traditional duties pertaining to familiar crimes been transformed to meet the improved techniques of the underworld, but vice and traffic control in the modern metropolis present varied and difficult problems largely unsuited to the point of view and techniques of your traditional "cop." Most important, however, is the awakening of police administrators in a few communities to the vital fact, long ago stressed by pioneers like Vollmer, Arthur Woods, and Raymond Fosdick, that all the pursuing and arresting of made criminals in the world, whether by "G-Men" or "g-men," will do little to stop the making of *future* criminals. Vollmer's philosophy is summarized as follows: "Although there are still policemen who believe that there is more crime prevention in the end of their night-sticks than in all efforts to find the causes of crime and devise methods of treatment, long experience with delinquents and criminals has demonstrated to others that attempts to discourage adult offenders from their anti-social deeds is only surface treatment of disorders that go much deeper" (p. 3).

The author—who cannot be said to belong to that much-maligned tribe, "the theorists"—has also arrived at the conviction that "the poor quality of the personnel is perhaps the greatest weakness of police departments in the United States" (*Id.*). The same may be said, with certain exceptions, in respect to other agencies of justice with which his book is not concerned—prosecutors' offices, probation bureaus, penal and correctional establishments, parole boards. But just let the investigator of these problems suggest in a public address that professional standards of education and training are necessary for those who staff the engines of justice, and he will be violently assailed by the sturdy sons of Demos, the press, and even those correctional administrators whose private protestations of their intense desire for progress play second fiddle to their political ambitions. And yet, nobody who both knows and cares can deny the unquestionable truth of Vollmer's summary: "No marked degree of improvement can be expected from the present police set-up. It is defective internally because its functions are too often discharged by amateurs . . . " (p. 4).

In stressing the call for properly trained and decently appointed personnel, Vollmer does not, of course, neglect the need for improvements in administration and technique. The second chapter is devoted to reliable

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data in respect to each of the major crimes. Crime rates of leading American jurisdictions are compared with those of foreign, and the statistical matter is illuminated by brief descriptions of representatives of various classes of crime and police techniques of control.

In the next chapter, the author has some plain, blunt things to say about vice as a police problem dependent upon the general public attitude: "Prominent business and professional men, and on occasion persons associated with the church and press, may share the profits indirectly accruing from prostitution, gambling, liquor, and narcotics" (p. 82). Recently the reviewer entitled an opening chapter of his book on *Crime and Justice*, "The Climate of Justice." A law professor reviewer found difficulty in understanding this concept and indeed poked quasi-learned fun at it. A single sentence like the one just quoted from Vollmer's work indicates what was meant; and it is a revealing commentary on the shortsightedness of many "criminal law reformers," and even teachers, that they think the culture medium of the time is irrelevant to a discussion of the problems of crime. Until the moral atmosphere of our culture is given a thorough fumigation, efficient machinery of justice, and even trained personnel, will operate under an almost insurmountable handicap. Vollmer is to be commended for thus clearly and directly digging to some of the roots of his problem, which so many other writers treat *in vacuo*.

The same frankness and clear-sightedness characterize his brief treatments of the problems of prostitution, gambling, liquor, and narcotics control. As long as there is more than a grain of truth in the statement of the prominent police official whom Vollmer quotes—"the best way to get along is to hear nothing, see nothing, and do nothing" (p. 97)—the citizen's complaints of inefficient law enforcement must miss fire. He cannot wink at, encourage, and even profit from commercialized vice and at the same time cry to high heaven that it ought to be suppressed. The oft-quoted dictum of Lacassagne that every community has the amount of crime it deserves packs a mountain of wisdom.

And yet something immediate must be done; and Vollmer's proposal is that since vice control presents such special problems, "the only safe and sane method of handling the problem of gambling—and of all the parasitic vices—is by licensing, regulation, and control, through a state agency established solely for that purpose and empowered to enforce the regulatory provisions" (p. 99). He is convinced that corruption of the enforcement agency will thereby be reduced. There is sure to be difference of opinion on this point, but the author makes out a convincing case in favor of an independent agency which, if properly staffed and organized so that a continuous educational program accompanies its repressive work, ought to make more headway than does the ordinary police department.

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In this connection, the author's sound perspective is indicated in the statement that "in the passage of laws . . . the legislative bodies must take into account not the opinions of a militant minority, but the customs and habits of the generality of people" (p. 108). How to counteract undesirable influences of small "pressure groups" intoxicated by the prospect of some world-saving reform, and how to ascertain, even with a fair degree of accuracy, what are the "customs and habits of the generality of people" are among the more pressing questions of political science. They present a major issue encountered in the endeavor to make the democratic process more efficient.

In Chapter IV, Professor Vollmer shows how the problems of modern traffic control add to the already overburdened police force and further bring about a friction between police and public that has its undesirable reflex on law enforcement generally. His pithy analysis of the chief issues of police enforcement of traffic control brings out the obstacles—both professional and lay—to an efficient coping with that juggernaut of modern life, the automobile. Here again the author interprets the problems in the light not of a parochial specialist, but of one who recognizes the relevancy of social psychology and accurate factual research as a basis for social control. His observations on the ill-conceived legislative debauch that followed the increase of automobile traffic ought to be pondered by every student of modern law-making (p. 143). An interesting study in social psychology and ethics might be written based on an analysis of the "limits of effective legal action" as an instrument of social control. Mere legislative draftsmanship, about which so much has been written in recent times, is but a minute aspect of a much more fundamental problem. Experience with the legislative panacea for all social ills of a kind that formerly were taken care of by more legitimate instruments of social control should afford valuable case-materials for some modern Bentham in constructing a twentieth-century theory of legislation. The vicissitudes of "prohibition" readily come to mind; but how true the above observation is in the field of traffic regulation is shown by the following passage from Vollmer's work: "The volume and nature of traffic laws quickly reached a point where law-abiding citizens found it impossible to obey them. The result was that drivers revolted. They began to take pride in their traffic transgressions, and traffic violations became the topic of conversation at clubs and home parties . . . Violators of such laws began to seek immunity through political influence" (p. 145). And, as indicating another aspect of this crucial problem of determining when not to legislate, he points out that juries will nullify many traffic laws by refusing to convict and that all this in turn weakens the authority of law generally (p. 147).

Other aspects of modern police work are included in Chapter V under

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the heading "General Service." Particularly useful is the section entitled "Juvenile Delinquency," which the reviewer would have liked to see expanded, since Vollmer's presentation is so convincing yet non-technical that even the ordinary policeman should find no excuse for failing to recognize the vital significance of the relatively modern aspect of police work which juvenile crime has called into being. The same may be said of Chapter VI, "Crime Prevention," which also is much briefer than it ought to be, considering all that a man like Vollmer could say on this subject as missionary to the traditional police officer.

The cycle of the author's argument is completed with a convincing chapter on "Personnel," its selection, training, and specialization to fit the manifold duties of the modern police officer.

A brief concluding chapter repeats in some measure the valuable opening chapters, and drives home the fact that the plant of law enforcement is greatly conditioned by its soil of social psychology and morality. Improved personnel will help, better techniques will also help, but the greatest need of all is a public that sees its own shortcomings and mends its own ways. For the "machinery of criminal justice" is really not machinery; and law and law enforcement are part of the seamless web of culture.

SHELDON GLUECK.

Law School of Harvard University.

Local Government in England. By E. L. HASLUCK. (Cambridge, Eng.: University Press. 1936. Pp. ix, 363.)

The past few years have witnessed a marked revival of interest in local government in England, and the publication of a number of new books on the subject. Such writers as Herman Finer, W. I. Jennings, H. J. Laski, J. P. R. Maud, and W. A. Robson, among others, have contributed to this renewal of the study. Behind their work lies, of course, a widespread concern over the working of local institutions, a concern that has been stimulated by the investigations of several royal commissions, the passage of important local government legislation in 1929 and 1933, and the observance in 1935 of the centenary of the Municipal Corporations Act of 1835. Even the most exacting student can glean from the recent books now available a very satisfactory knowledge of English local government.

To this new body of literature, what is the contribution of the book now being reviewed? Its author, Mr. E. L. Hasluck, has previously written on modern history and the teaching of history. In a condensed, incisive way, his work deals with the more important phases and problems of the system of local government as a whole. The treatment is by no means exhaustive, but for persons who already know something of

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English life and institutions in general, it will undoubtedly prove a stimulating introduction to the study of English local government. It is intended, obviously, for an English audience, and for the beginner and general reader rather than for the special student or expert. Its entire lack of footnotes and bibliography, and the brevity of its index, diminish the book's value as a reference work.

The volume's strength lies in the obviously wide observation, keen insight, lucid style, and complete candor of the author. He writes with spice and humor and illuminates his discussion with numerous apt sayings and pertinent anecdotes. He seems to be completely honest about the corruption, inefficiency, and general chuckleheadedness that are still to be found in some measure in local government—yes, even in England—but he retains his enthusiasm for the subject to the end.

In one respect, despite his protests to the contrary, the author has perhaps gone too far in his strictures. Elected councils at all levels, from county borough to rural parish, fall under his condemnation, not because all members are incapable, not because the net result of their work is not good, but rather because so many councilmen show an "extremely low standard of capacity," indulge in "childish and ridiculous arguments," or are "brainless nobodies," "totally incapable of serious administrative action." This is the language of an exasperated intellectual, but hardly that of a careful social scientist.

All told, this is an excellent book, and one that every American student needs to read to supplement the standard texts. Far more than some more learned books, it presents a picture of actual government, of government that succeeds in doing much good despite its human frailties.

WILLIAM ANDERSON.

University of Minnesota.

Sŏveriges Politiska Partier. By EDVARD THERMÆNIUS. (Stockholm: Hugo Gebers Förlag. 1933. Pp. 195.)

Riksdagspartierna. Sect. II, Vol. XVII, of *Sŏveriges Riksdag.* By EDVARD THERMÆNIUS. (Stockholm: The Riksdag. 1935. Pp. 297.)

Attention has been called in the REVIEW to the series of volumes on the Swedish Riksdag published last year under the editorial supervision of Dr. Nils Edén. In this series, there are several works of great value to scholars in other countries. The writer of this review finds all of them valuable, but one that invites particular attention is Dr. Thermænius' volume on political parties in the parliament. This work, together with the author's general study of political parties in Sweden, provides all that the average reader needs to know about the history, organization, and parliamentary activity of Sweden's political parties. If the American

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reader finds these volumes deficient with regard to campaign tactics, municipal machines, electoral abuses, and all of the other sordid practical aspects of Anglo-Saxon politics, let it be understood that the deficiency is due to the material and not to Dr. Thermænius' treatment of it.

Sweden has a single election law; it has no machines, in the American sense of the term; and its campaigns are conducted on a high intellectual level. Issues are real, not fictitious. Another treatment of political action in Sweden might have laid open more clearly the sources of power in each party, and the interlocking arrangements with unions of employers, farmers, and workers. But this was not the present author's function; and inasmuch as adequate studies of Swedish party history were lacking, he did well to address himself first to meeting this need.

There are, at present, four large parties in Sweden: the Social-Democratic, the Right, the Peoples', and the Farmers' parties. In addition, there are two extremes: Communists and Socialists on the left, the National-Socialists on the right. Of these, the radical extremists are the stronger. Another division would set off the radical parties against the bourgeois—Right, Peoples', and Farmers'. Theoretically, the Peoples' and Farmers' parties are center parties; but in actual practice, the Peoples' party—a union of the old Liberals and the Liberal Independents (Prohibitionists)—are adjuncts to the Right party, while the Farmers are more or less consistent supporters of the Social-Democrats.

Dr. Thermænius' work is important because it reveals the transition of the Right from a party of the landed estates to a party of the industrialists. While this review is being written, the Farmers are in power following the abdication of the Social-Democrats. Why did this Labor-Farmer coalition break up? The answer lies partly in the history of the Farmers' party; it was originally a conservative party, and its present leaders are only one step removed from the old conservative leadership. In the future, the battle for political supremacy in Sweden will resolve itself into a contest for the support of the small farmers. Basically, this is the problem of progressive democracy in all countries, but it is over-simplified in Sweden because of the non-existence of any significant racial, religious, nationality, or other sharply-identified minority *blocs*.

At this point, one must halt to inquire whether the true value of studies of political action in small countries does not lie in the fact that such theatres of action are admirable proving grounds for the testing of hypotheses. The field is narrow and, though not easily defined, nevertheless should yield finally to fairly satisfactory measurement.

Unfortunately, there are no satisfactory studies of Norwegian and Danish party history. If there were, a comparative study of the three Scandinavian peoples could claim almost scientific validity. When this job was completed, one could go on to compare Scandinavian, Dutch,

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Irish, Polish, and dozens of other variants. The more one reflects on the possibilities of this method, the more convinced one becomes that an appalling amount of work lies ahead. Yet this reviewer is convinced that broad generalizations with regard to political "principles" are valueless until this work is done.

Meanwhile, scholarship owes a debt to Thermænius. He is careful, he has an agreeable style, and he is fair. Swedish political scientists are accustomed to work actively with the party of their choice, but one could never learn from Thermænius' books that he is a Conservative. His sympathies are concealed more cleverly—or is it more honestly?—than this reviewer has been able to conceal his.

ROY V. PEEL.

New York University.

A Diplomatic History of the United States. BY SAMUEL FLAGG BEMIS. (New York: Henry Holt and Company. 1936. Pp. xii, 881.)

Professor Bemis now adds to his extensive monographic, editorial, and bibliographical contributions to the history of American diplomacy a monumental survey of the entire subject from its colonial background down to 1936. The complicated course of diplomatic development is followed in its reciprocal international actions as well as in its sequence of official American decisions on policy. As indicated by the title, the study is primarily a diplomatic history rather than a history of foreign relations in its larger aspects. The distinction is important since the former lays chief emphasis on governmental acts and inter-governmental relations rather than on the dynamic political, economic, and social stuff of which they are only a fragmentary manifestation. Diplomatic historians (and Professor Bemis is no exception) cannot and do not ignore this richer material, but it is not their point of departure.

The plan of treatment represents a nice blending of the chronological with the topical and regional approaches. Anglo-American arbitrations, for instance, are followed through in a single chapter from 1870 to 1914, and Mexican relations in another from 1867 to 1936. The book contains three parts. Part I, entitled "Foundations," carries the story to the promulgation of the Monroe Doctrine. Professor Bemis' thesis for this period, cogently demonstrated, is that the United States gained diplomatic triumphs through Europe's distress and divisions. Part II is the history of "Expansion" down to "the great aberration" of 1898. The final section, covering nearly one-half of the volume, deals with the twentieth century. A chapter drawing together the related threads of post-war policies relating to the maintenance of peace and a more extensive treatment of the diplomacy of commerce and investment would have enhanced the value of this part.

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The author criticises our "blundering" Far Eastern policy after 1898 and advocates a cessation of active diplomacy in China. The policy, he insists, has made Japan the only nation with which the United States has issues carrying potentials of war (p. 799). Our Panama (Caribbean) policy was primarily concerned with strategic rather than economic interests (p. 520). Towards Mexico, the United States, despite extraordinary trials and temptations, has exhibited almost "a Galilean forebearance" (p. 539). America entered the war, he says, primarily because of Germany's unrestricted submarine warfare. Emotional, cultural, and economic factors predisposed us towards the Allies, "*but not to fight for them*" (italics the author's; p. 586). Professor Bemis confesses his original pro-League sympathies, but believes now that abstention was the wiser course. He supports the new neutrality policy, however, partly because it enables us to give negative support to the League's collective system (Chapter XLI).

This volume will be welcomed by historians and political scientists alike, both for its class-room utility and for its value as an authoritative reference work. No single volume covers the subject with such adequacy and judiciousness of treatment.

WILLIAM P. MADDOX.

Princeton University.

Why We Went to War. BY NEWTON D. BAKER. (New York: Harper and Brothers. 1936. Pp. vi, 199.)

"I am convinced," writes Mr. Baker (p. 157), "that our entrance into the war was caused directly and solely by the German use of the submarine. . . . " This thesis, though dear to the heart of Professor Charles Seymour of Yale, will not appeal, says Mr. Baker, to pacifists, communists, or economic determinists. "While I was a member of the Wilson cabinet," he writes, "my preoccupation with questions of military organization, supply, and policy so occupied my time that I had very little opportunity to consider diplomatic problems." Eighteen years later, he employed his leisure time in a study of documents, and came to the "clear conviction that the entry of the United States into the World War was not in the least affected by munitions makers or bankers, that the business interests of the country and the welfare of our people during the long struggle were a constant but, as it seems to me, a proper object of solicitude of the government, but that nothing done in the protection or furtherance of these business interests affected the ultimate decision." To prove his thesis, Mr. Baker quotes copiously from those notes and papers of Wilson, Bryan, Lansing, and Bernstorff which dealt with the submarine issue.

Important as this issue was as the spark which set off the tinder, one

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can look in vain in these diplomatic confines for any of the other causes or forces which might conceivably have conditioned our willingness to join the holy allied crusade to make the world safe for democracy. Mr. Baker admits (p. 160) that he may "to some extent" have confused the occasion with the cause. But he rejects with unexpected naiveté the possible influence of forces of which "munitions-makers" and "bankers" are symbols. Munitions industry? There was none in 1914. He had a frightful time getting enough arms and equipment to fit out Pershing's expedition into Mexico ("called 'punitive,' but in reality defensive"). And in 1917, "when we began the actual mobilization of material for our participation in the World War, there simply were no American munitions-makers." (Page Senator Nye.)

As for the bankers—"While I was a member of the cabinet from 1916–1921, I do not recall having had a conversation with a banker on any subject. . . . My complete absence of recollection on that subject extends to conversations with my cabinet associates . . . As a consequence, I am forced to conclude that if any banker sought to exercise pressure in favor of any national policy on the subject . . . all of my cabinet associates conspired to keep me in ignorance of the plan." That the sentiments of bankers "had the slightest effect upon President Wilson, if they were even communicated to him, is so fanciful and improbable as to pass the bounds of belief. . . . " There is a temptation to quote more from Mr. Baker's book. *Ex ore tuo iudicaberis.*

HERBERT W. BRIGGS.

Cornell University.

Neutrality; Its History, Economics, and Law. Four Volumes. (New York: Columbia University Press, 1936): Vol. I. *The Origins.* By P. C. JESSUP AND F. DÉAK. (Pp. xviii, 294.); Vol. II. *The Napoleonic Period.* By W. A. PHILLIPS AND A. H. REEDE. (Pp. xii, 339.); Vol. III. *The World War Period.* By E. G. TURLINGTON. (Pp. xx, 267.); Vol. IV. *Today and Tomorrow.* By P. C. JESSUP. (Pp. x, 237.)

These four volumes will long stand as the definitive analysis of the law, economics, and politics of neutrality, from its origins in the fourteenth century to the present. Indeed, it is the permeating inclusiveness of this exploration of the numerous and often elusive aspects of the problem that makes it unique among treatises in the field. A coöperative effort, in which five experts collaborated, it is informed throughout by careful scholarship and thorough documentation.

The first volume, by Professors Jessup and Déak, covers the period from the fourteenth to the end of the eighteenth century. It was in this period that the traditional "laws" of neutrality developed—often little more than the least common denominator of the naval power of belliger-

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ents and non-belligerents in the particular case. Indeed, to speak of law at all, then or now, is only partially correct. For not only is there no "logic" in this field, but the very basis of the rules is to be found in the policies of states at war—not a very firm base for accepted law. As Professor Jessup points out in the fourth volume with respect to the Great War, after five hundred years the rule of *pacta sunt servanda* was still more honored in the breach than in the observance. And that was much truer of the centuries in which practices regarding contraband, enemy property, search, blockade, prize procedure, even neutral duties, were still fluid.

The origins of ideas about neutrality are to be found in feudal custom, the doctrines of the Church as to the relations of Christian rulers and infidels, and the concepts of "just" and "unjust" wars. (It is interesting how viable this concept is—in the light of contemporary efforts to deal with aggression by joint action.) Out of such precedents and analogies, deflected and sometimes frustrated by the tensions among belligerents, there gradually emerged in the seventeenth century a recognition of some of those "laws" of neutrality which have more recently been accepted and applied by treaties as well as in the prize courts. But that they were still tenuous in their hold upon belligerent policy is indicated by the vicissitudes which, for instance, the rule "free ships, free goods" underwent from the sixteenth and early seventeenth centuries to the nineteenth, when it was finally embodied in the Declaration of Paris. As the authors point out, neutral merchants in this period could not be sure, even in trading between ports within their own country in time of war, what they could carry; when they made a foreign voyage, doubt became guesswork.

In the second volume, Professor Phillips traces the legal and diplomatic, and Professor Reede the economic, incidence of the Napoleonic period upon the doctrines of neutrality and the profits of traders. As the former points out, despite the magistral opinions of Lord Stowell, law underwent not merely change but attrition under the impact of belligerent necessity. Napoleon "was a law unto himself, and his Continental System was conceived with no regard for neutral or any other rights." But the same can, with very little modification, be said of British practice in this period—except in so far as advantage dictated leniency toward neutrals.

Professor Reede's, if not the first, is certainly the most exhaustive attempt to draw up a balance sheet of neutral gains and losses during this period. Lord Stowell had, in his opinion in the case of the Immanuel, suggested that neutral profits from increased trade more than balanced their losses through the prize courts and otherwise. Professor Reede's conclusions support him. Only Sweden did not feel the upswing of trade which the other Northern neutrals as well as the United States experienced. Despite the loss of over 2,000 merchantmen at the hands of the

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British, and perhaps half that number at the hands of the French, he estimates that there was a net gain to this country, even in the very industries like shipbuilding which suffered most from belligerent depredations, and from our own embargo. His careful researches throw much light on the economic effects of neutrality upon commerce and industry.

Professor Turlington's volume deals similarly with the economics of neutrality during the Great War. The losses to all neutrals from belligerent measures relating to contraband were some $350,000,000; from blockades and analogous measures, some $920,000,000; from interferences by sovereign right, a further substantial but incalculable sum. These fell very unevenly; Norway suffered most all round, we perhaps as little as any nation. With increased belligerent controls—and increased effectiveness in their enforcement—neutral profits from remaining trade became negligible. Here, as in the Napoleonic period, the severance of customary trade relations tended to emphasize to the neutral populations the importance and the profitable nature of domestic industrial development.

One caveat may, however, be entered to the conclusions of Professors Reede and Turlington. Cautiously presented though they are, they nevertheless suggested to this reviewer a tendency widespread today to equate individual profits with national advantage. The conversion of the substance of a special into the image of a national interest is one of the favorite devices of those very interests which stand to profit from the mainteance of traditional neutral "rights." While both of the authors would no doubt repudiate any such conclusions drawn from their findings, the limitations of national accounting in terms of particular balances need vigilantly to be emphasized. It is so emphasized by Professor Turlington in his conclusion that "the bill for losses and damages must have been ultimately paid by consumers of goods and services."

In the concluding volume, Professor Jessup reviews the conflicts of policy between neutrals and belligerents during the Great War, analyzes the League and neutrality and the American neutrality resolutions of 1935 and 1936, and offers some reflections on the future. Lord Grey's remark in his recollections that "the Navy acted and the Foreign Office had to find the argument to support the action," illustrates the respect with which the belligerents treated existing neutral rights. (And it is worth remembering that when we entered the conflict, we applied with extreme rigor against the remaining neutrals the very practices which, as a neutral, we had most vigorously protested.) Nor has the war resulted in any new codification, similar to that of 1856, even of the remaining fragments of neutral rights.

Rather, the post-war period has seen the emergence of a new principle (or a revival of an old one) that all states have an interest in the prevention or suppression of aggressive war. Professor Jessup belongs to that

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school of American thought which rejects the doctrine that either the Covenant or the Treaty of Paris has—as yet—altered the traditional principles of neutrality. The United States may entirely legally refuse to abandon its neutrality or to coöperate to stop aggressive war.

But should it? To this question Professor Jessup offers no unequivocal answer. He discusses the current neutrality proposals, and describes the 1935 resolution as "a hodge-podge of ideas scrambled together in the legislative frying-pan in the closing days of a hot summer session in Washington." The 1936 resolution he considers only less vulnerable than that of 1935. Neither provides any real insurance against involvement through trade, or travel of American citizens, nor any effective basis for international coöperation, even to the extent of consultation. He rightly emphasizes the significance of the provision in the Argentine Anti-War Pact of 1933, to which this country is a party, requiring the signatories to "adopt in their character as neutrals a common and solidary attitude." The implementation of that clause at Buenos Aires might well be a major factor in defining an effective neutrality policy for the future. As Professor Jessup points out, such a policy will in any case involve sacrifices—in prospective trade profits—and can be satisfactorily administered only in a period of peace before the outbreak of war.

These four volumes are cumulative evidence of the importance of neutrality to the United States. The contribution which the authors have made to a sound and workable solution will, it is greatly to be hoped, be measured by the capacity of our executive and legislative leaders to convert their triangulations of the issues involved into a chart for the future policy of the country. Certainly they have provided the data on which to base it, with skill, thoroughness, and conviction. Professor Jessup and his collaborators are to be congratulated on the completion of so notable a contribution to public understanding of a highly important question.

PHILLIPS BRADLEY.

Amherst College.

The Far Eastern Crisis. By HENRY L. STIMSON. (New York: Harper and Brothers. 1936. Pp. xii, 293.)

This book, published for the Council on Foreign Relations, is a valuable one—so valuable, indeed, that it is impossible to do it full justice within the space allotted to this review. A year and a half ago, the reviewer, in a volume dealing with the Sino-Japanese controversy and the League of Nations, observed that a full account of the subject could not be given until there should be available the diplomatic correspondence of the leading Powers between themselves and with Japan during the period since September, 1931, when the Japanese army began its invasion and military occupation of the Manchurian provinces of China. It was there pointed

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out that of this correspondence, only that between the United States and Japan had been made public. The same situation in this respect still exists, except that we now have this volume by former Secretary of State Stimson which provides a clear account of the policies pursued in the premises by the American government. Incidentally, facts are revealed which previously have been generally unknown, or, at most, have had to be guessed from what was known. As an instance of this may be noted the efforts made by the American government to obtain from the British government a joint invocation of the Nine Power Treaty, and the fact that it was only when these failed that it was found necessary to state the position of the American government in Mr. Stimson's famous letter of February 23, 1932, to Senator Borah.

Mr. Stimson makes plain in his book the complexity and delicacy of the situation that had to be met, and, to the reviewer at least, he demonstrates that, if one initial mistake of judgment be excepted, the policy pursued by the American government was an enlightened, and, at times, a courageous one. This initial mistake was the opposition made to the sending at once to the Far East of a neutral commission of inquiry—an opposition based upon the expectation, or at least the hope, that, by not increasing the irritation of military authorities of Japan, an opportunity would be given to the civil authorities under the liberal leadership of Baron Shidehara to recover control of the Japanese army. This was an honest and understandable mistake, but this cannot be said of the failure of the British and French governments—and especially the British government—to give immediate support to the non-recognition doctrine declared by Secretary Stimson in his note of January 7, 1932. Also, what can be said for the speech of Sir John Simon in the Assembly of the League of Nations at the time when the various members of the League were declaring their views with regard to the report that had been made by the Lytton Commission of Inquiry which had finally been sent to the Far East?

Mr. Stimson employs throughout his book a moderate mode of statement which is especially shown when dealing with his great disappointment with Great Britain's failure to support the position taken by him in his note of January 7. At the same time, he leaves no doubt as to the conviction of the American government that Japan, by her actions, had flagrantly violated her obligations as a member of the League of Nations and as a signatory to the Kellogg-Briand Peace Pact and the Washington Nine Power Treaty of 1922.

Mr. Stimson's purpose does not make it necessary for him to deal in any detail with the operations of the Japanese army in China, but, none the less, he devotes considerable space to a description of the fighting at Shanghai. His account of this phase of Japan's military operations is one

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that will make extremely unpleasant reading for the Japanese military and naval authorities; for, from it, it appears not only that they acted without military justification and with extreme inhumanity, but that they exhibited conspicuous incapacity. Incidentally, Mr. Stimson shows that when England found her own material interests so greatly endangered, her policy at once changed—"the London Foreign Office awoke with a rush. There was no need thereafter for any suggestions on our part of action or coöperation. They seemed to be even more anxious than we for vigorous action to meet the emergency."

Mr. Stimson, in his volume, seizes the opportunity to deal with what, in his opinion, should be the fundamental or long-time character of American foreign policy. He recognizes the fact that the League of Nations is "the principal existing machinery for collective action in war prevention," and, while not proposing that the United States should join it, he declares that, should the League show unfaltering courage in the exercise of its powers, American public opinion should and would approve coöperation with it.

In his concluding chapter, Mr. Stimson emphasizes the importance that he attaches to harmonious Anglo-American policies for the solution of the problems of this troubled world.

W. W. WILLOUGHBY.

Washington, D. C.

Militarism in Japan. By KENNETH W. COLEGROVE. (Boston and New York: World Peace Foundation. 1936. Pp. 77.)

Eyes on Japan. By VICTOR A. YAKHONTOFF. (New York: Coward-McCann, Inc. 1936. Pp. 329.)

The stubborn fact of Japan's rapid and successful expansion—territorial, economic, and military—has served as a challenge to the analytical prowess of many different types of observers. A deluge of journalistic essays on the "menace" of Japan gives one the impression that Japanese statesmen and military leaders literally devote most of their time to the unearthing of international engagements the flagrant violation of which will produce the maximum amount of world-wide resentment, suspicion, and hostility. Also offered as facile "explanations" of Japanese foreign policy are inherent racial characteristics, an international inferiority complex, natural sanguinariness, sadistic tendencies, and abnormal national ambition. When pseudo-analysis is exhausted, discredited labels are pressed into service; all moves are seen as examples of fascism, imperialism, fanatical nationalism, capitalism at bay, or militarism rampant. Almost every term or tendency which can be attributed with evil connotation to the aims and acts of a national government has been employed

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to "explain" a series of events which had a score of counterparts in the nineteenth century, when they were either taken for granted or mildly denounced as inevitable accompaniments of national development.

Professor Colegrove's brief work presents, on the whole, a factual statement of the influence of military men in the formation of Japanese policy. His first paragraph is significant, for he suggests that in all modern states, including our own, there is a military tradition and that the persistent school-book parade of military exploits leads us often to view foreign affairs against a background of glorified violence. Japan is no exception; her Bushido code is indigenous and adequate, but contact with the West has contributed a new sense of nationalism as well as the system of conscription. The author's short analysis of the unique influence which militarists in Japan have derived from tradition and the nature of the supreme command, with inevitable duality in government and diplomacy, is concise and well balanced. He is careful to point out that the civil elements have often been coadjutors of the militarists; one might add that the cases where the militarists seem to have made "victims" of the civilian officials do not measure exactly the domination of the former, for often the Foreign Office has found dual diplomacy a handy device and used it as such.

Japan proper lies at the feet of two of the world's most numerous and unpredictable peoples. Her rapidly increasing population aggravates, perhaps creates, a problem which, she is convinced, only immediate industrialization will solve. Industrialization requires natural resources and markets not to be found at home. That situation produces advocates of expansion, the militaristic and imperialistic societies, whose demands the military leaders are attempting to meet by expansion abroad, and the use to the utmost of their constitutional and traditional prerogatives in the determination of governmental policy. There are opponents of hasty and forceful expansion; terroristic groups seek to eliminate them, particularly when such opponents are rendered suspect by connections with political parties which, by their alliance with the leading capitalists, have lost popular confidence. That chain of circumstances may enhance the prestige of militarists; certainly, it can hardly be said that militarism produces the consequential policy and events. What over-emphasis there is in Japan today upon militarism is primarily effect rather than cause. Professor Colegrove is only faintly optimistic concerning the recent apparent retreat of the military group, for now even the industrial and financial capitalists, who control the only hope of constitutional democracy, the political parties, are beginning to see some merits in the expansionist program.

Mr. Yakhontoff's book is an informative survey of Japan's history, her economic, social, cultural, and political problems, and her relations with

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China, England, Soviet Russia, and the United States. For the general reader who is not too much concerned with opinionated and doctrinal interpretations of events in the Far East, particularly the foreign policy of Japan, it will serve as a useful introduction to a complex people whose national energy and initiative have created a complicated situation. The author's intimate descriptions of Japanese customs, culture, and social life are interesting and able. In his larger thesis, however, he succumbs to strong prejudices. In his view, Japan is a prime example of capitalism and imperialism run amuck—and apparently capitalism and imperialism are bad at their best. There is not the slightest tendency to impute even an occasional error or low motive to Soviet Russia or to China, and for Japan the most that can be said is that her evil record is all that could be expected from a capitalist society.

There are doubtful cases of specific statement and opinion. "The sideshow at Shanghai (1932) was designed, apparently, to divert the attention of the Powers—from the Manchurian affair." The Japanese mandated islands are assigned a population of a "few hundred thousand," whereas the latest report shows a total of slightly over 100,000. The author's use of vital statistics for Japan is obviously confused by the employment of a natural increase rate exactly ten times too small; for "13.79 per ten thousand," read "13.79 per thousand." It is diverting to learn that beriberi and sleeping sickness are the same, and that the former "comes from too much rice;" the tsetse fly and polished rice are ignored, or else made synonymous.

There is about as much futility in explaining Japanese policy in terms of militarists gone mad as there is in implying that peace in Asia demands the overthrow of the capitalistic system. Although neither writer goes quite so far, the lay reader is led some of the way without warning. In many countries today, foreign policy has little relation to either the truth or the illusion of what the public reads. In the United States, however, we are engaged at the moment in trying to locate an official attitude toward Japan and, for good or ill, that attitude will derive its character from the state of the public mind. We need, therefore, to be constantly on guard against partial and incomplete analyses of the Japanese, for even the most intelligent general reader can read only one book at a time and few people read two or more supplementary volumes consecutively.

A. E. HINDMARSH.

Harvard University.

L'Alliance Franco-Russe. By BARON BORIS NOLDE. (Paris: Librarie Droz. 1936. Pp. 700.)

Reading as shrewdly as he might through Baron Nolde's narrative of the making of the Franco-Russian alliance of 1891, the customary Mar-

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tian visitor could come to no other conclusion than that European man lived solely and exclusively in the diplomatic pouches of the couriers and in the normally mendacious phrases of the diplomats themselves. For all the clarity and technical excellence of Baron Nolde's exposition of a complex era in Europe's history, this reviewer—perhaps because he does not belong to the clan of diplomatic historians—found himself most vividly struck by the one-dimensional barrenness of both methods and materials. There is scarcely the faintest whisper betraying the existence of a domestic realm within states, of a swiftly expanding capitalist order with its overturn of social forces and traditions, or even of changing parties and party battles. To use a well-worn analogy, it is the flattest of chess boards on which there move with an ordered imprecision only czars and ministers and diplomats, essentially automatons in a meaningless ritual game of alliances and counter-alliances, checks and counter-checks.

The game begins, for the purposes of this volume, in 1871 when France falls before Germany and a master player arranges the European pieces on his board in such fashion as to please his Bismarckian sense of supremacy without too seriously galling the diplomatic sensibilities of the czars, kings, princes, and ministers who occupy the surrounding squares. Three emperors are joined together in an alliance which lends an uneasy stability to one large sector of the board, but French diplomacy is temporarily withdrawn from any significant moves, while Britain tends to be preoccupied with a private game of her own between minor pieces only scantily identified here. But new ministers and princes are appearing to lend a superficial complexity to the ordered routine; even nations such as Italy and Bulgaria bob up to disappear speedily behind, indeed to be absorbed into, their appropriate diplomatic *alter egos*. The new pieces confuse the orderly progression of the Bismarckian system: the Russian pieces—the Czar and Giers—find their Austro-Hungarian counterparts meddling with the wrong puppets, and Britain and Italy have advanced to disturbing points on the board. Then an almost three-dimensional figure swaggers frivolously for a few pages out of his conventional polished ivory casing and pushes the biggest piece of all off the board. To the Kaiser falls the credit for the disruption of the old game and the beginning of a new one in which the Czar and Giers join with Ribot and other pieces constituting France to rearrange the surface of the board.

In a prefatory comment, Baron Nolde warns against envisaging the problems of foreign policy in terms of the abstract algebraic values known as states. It is not, he suggests, that "France" wants the Franco-Russian alliance, but that various diplomatic groups and personages within the country want it, ultimately affecting the destiny of the synthetic reality which is the state. It is a useful warning, but one which the author himself applies only in its most restricted sense. In his pages, no substantially

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peopled France or Russia appears beyond that which accidentally strays into the diplomatic documents. The diplomatic game appears to have no goals beyond its own single dimension; no real forces condition the imperialist onslaughts of the period, and nothing but the most shadowy armies stand behind the skillfully tangled webs. Yet in all these understandings and alliances there seem, in cold reality, to be nothing but plans for the successful waging of the next war.

With these reservations, it is a skillful and amply documented guide through a complex period that Baron Nolde has given us, illuminated in part by previously unpublished documents. It is a story which cannot be read without a growing fascination, even though its characters appear to be moving only in a shadow play.

RUPERT EMERSON.

Harvard University.

BRIEFER NOTICES

AMERICAN NATIONAL GOVERNMENT AND POLITICS

"There are no officials of more importance to American industry than those who man our federal regulatory commissions." Thus E. Pendleton Herring introduces his interesting study entitled *Federal Commissioners* (Harvard University Press, pp. xi, 151). Mr. Herring believes that the answer to the question "what are the proper qualifications for members of these commissions" must be sought in an examination of the careers and qualifications of those who have served on these bodies. This he has done with evident thoroughness through the use of congressional documents, commission files, and personal inquiries. The data thus secured are reviewed and interpreted in order to show the results of statutory provisions concerning term of office, party affiliation, occupational background, sectional distribution, and previous business connections, and to reveal information concerning such matters as education and experience, prior government service, age, length of tenure, reasons for separation from the service, the effect of senatorial confirmation, and presidential practices in appointments and reappointments. The raw data upon which these observations are based are assembled in a series of appendices at the close of the monograph. While the study is essentially a fact-finding one, the writer ventures some conclusions which are either interspersed through the interpretative chapters or presented in his closing chapter. He finds two major faults in our present system: (1) the average brevity of service, and (2) the lack of intimate knowledge of administrative duties on the part of most appointees. He believes that the experience of the many commissioners consulted makes it clearly impossible to lay down any set of qualifications which could be made the basis for statutory

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instructions. He concludes that we may with profit turn to the careers of those who have been eminently successful in their work upon those commissions which have definitely found their place in the national administrative scheme as a reliable guide in determining those elements of character, training, and experience which must be sought in future members of these important governmental agencies.—LLOYD M. SHORT.

For a number of years, many students of political science have been asserting that the pressing need for expert management in public administration in this country can be met, in some measure at least, by the creation of a special class of administrators recruited from the ranks of our ablest college graduates. In *Public Service and Special Training* (University of Chicago Press, pp. ix, 83), Mr. Lewis Meriam boldly attacks the validity of this proposal. "I fear," he writes, "people who study the position the administrator is occupying today and not the path that led him to his present position." Knowledge of the techniques of management is an essential part of the administrator's equipment, but no less so is knowledge of the subject-matter to which these techniques are applied. The British method of recruiting college men with a purely cultural education for responsible posts the author believes is impractical in this country because it is not readily adaptable to the American educational system with its primary emphasis upon vocational training. This may be seen in the failure of our professional schools and associations to support any plan of public administration training as a professional enterprise. To the college undergraduate seeking to enter the public service, Mr. Meriam's advice is to train himself, not in public administration per se, but rather along vocational or professional lines. His rise to an administrative position in the public service is far more certain if he is admitted by way of the "professional, scientific, and technical entrance gate." Administrative ability is developed only after experience within the service, and the professional, scientific, and technically trained groups can and do provide capable administrators. Mr. Meriam, in other words, is convinced that existing personnel practices, which are the product of conditions peculiar to the American public service, can supply all the expert management that we need, and he therefore decries any attempt to abandon these practices in favor of a theoretical proposal whose practical value is at best highly questionable. Coming from one who has had years of experience in the federal service, these observations—and this little book is packed with many others equally arresting—constitute a genuine challenge to some of the widely accepted notions concerning the teaching of public administration by political scientists.—PAUL T. STAFFORD.

Disciples of the current doctrine of states' rights will find very pleasant reading in *Neither Purse nor Sword*, by James M. Beck and Merle Thorpe

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(Macmillan Co., pp. x, 205). Those who believe that government's powers should be commensurate with its problems will react quite differently. The book is not merely a criticism of the New Deal; it is an indictment of the "centripetal" tendencies of several decades. Finding the Supreme Court an inadequate safeguard, the authors appeal to public opinion. They criticize the Court for undue hospitality to the doctrine of implied federal powers, under which the commerce, currency, taxing, and spending powers have been "perverted" to achieve regulatory and ameliorative purposes "never intended" by the Fathers. The entire argument is based upon such post-mortem psychoanalysis—often without documentation. Amendments XV to XIX inclusive are deplored as improper federal encroachments upon the sphere of the states, or as dangerous extensions of democracy. Amid denunciations of relief expenditures, assistance to agriculture, federal aid to the states, and income and inheritance taxes—all of which despoil "the strong to aid the weak"—a significant silence prevails concerning the protective tariff. A few sound observations on the dangers of bureaucracy are clouded by a lack of complete veracity on the subject. The reader will look in vain for constructive suggestions for dealing with present social and economic problems. These are dismissed as of no greater consequence than those of 1787, and as unquestionably capable of solution by the methods then employed. Adhering to their thesis of constitutional absolutism, the authors declare that the principles formulated by the "moralist" Fathers should outweigh all considerations of mere "opportunism." Typical of the book's numerous absurdities is the statement that Alexander Hamilton "advocated a totalitarian socialistic state." Of course, one may scarcely expect sound scholarship in a piece of special pleading worthy of the American Liberty League.—CARLTON C. RODEE.

As the title indicates, *The Constitution and the Men Who Made It* (Houghton Mifflin Co., pp. xii, 314), by Hastings Lyon, tells the story of the Constitutional Convention of 1787. "This endeavor," says the author, "pretends to no research beyond prolonged pondering over Madison's report of the debates." Indeed, Mr. Lyon says that Max Farrand's *The Framing of the Constitution* "is so clear as to raise a question whether any further attempt at lucidity is worth while." "I hope," he adds, however, "that diligent consideration has found a few fresh points of view." The book has one feature which should be noted. In the author's own words, "In an attempt at a little relief from the monotony of statement about words, I have scattered through the pages biographical sketches of a number of the more prominent members of the Convention." Biography is especially interesting in this connection. For as the one hundred and fiftieth anniversary of the Convention draws near, one recalls what Alexis

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de Tocqueville wrote about a hundred years ago: "The chief cause of the superiority of the federal constitution [to the state constitutions] lay in the character of the legislators who composed it. At the time when it was formed, the dangers of the confederation were imminent, and its ruin seemed inevitable. In this extremity, the people chose the men who most deserved the esteem, rather than those who had gained the affections, of the country." This is, of course, a mixture of fact-judgment and value-judgment. But there it is, to challenge study of the men as well as of what they made. The general reader will find Mr. Lyon's book an adequate account of what the framers did and who some of them were; and the student may gain from reading another thoughtful description of the Convention's work.—JAMES HART.

Books on Jefferson have been as various in approach and emphasis' and almost as numerous, as were the interests of that many-sided genius. It is of Jefferson the administrator that Claude G. Bowers writes in *Jefferson in Power* (Houghton Mifflin Co., pp. xix, 538), and he has made of the book a chronicle as vivid, as interesting, and as important as his earlier *Jefferson and Hamilton*. The eight years of Jefferson's tenancy of the White House were years which went far toward determining the destinies of the young republic. They were turbulent years of party struggle and acrimonious debate, when respectable men skirted the edge of treason, when foreign diplomats intrigued with the disloyal, and a boisterous press loudly demanded war. Throughout the two administrations, the Federalist opposition was bitter, and after the death of Hamilton it was unscrupulous, putting every obstacle from parliamentary obstructionism to nullification in the way of a program which its leaders conceived to be subversive of their vested right to rule. Yet when Madison succeeded to the presidency, the territory of the Union had been doubled, the public debt had been substantially reduced, taxes had been cut, there was a surplus in the Treasury, and the country remained prosperous and at peace. Jefferson's success was at once an administrative triumph and a party victory which marked the end of Federalism. Mr. Bowers has written of all these things a frankly partisan account, enlivened by shrewd thumb-nail sketches of the men and women who moved across the stage and behind the scenes, and by colorful descriptions of life in the capital and on the frontier in the early 1800's. He has written also of the struggle between popular sovereignty and vested interests, and in the writing the theme transcends its setting. It is the story of democracy itself, and it is as contemporary as today's newspaper.—CHARLES M. WILTSE.

In *Kicked In and Kicked Out of the President's Little Cabinet* (Andrew Jackson Press, pp. xii, 371), Ewing Young Mitchell tells of participation in a surreptitious pre-convention campaign for Roosevelt in Missouri,

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and of his subsequent experiences as Assistant Secretary of Commerce. According to Mr. Mitchell, the departments in Washington are dominated by selfish cliques of permanent officials, and to remedy this he proposes a quadrennial turnover of most of the bureau chiefs. He devotes himself primarily to charges of administrative irregularities in the Department of Commerce, but does not add greatly to the facts as developed in the Senate committee hearings at the time of his dismissal. Perhaps Mr. Mitchell was too quick to see wrongdoing, but his attitude compares favorably with the suggestion which he attributes to Mr. Farley: "I would leave to the Republicans the uncovering of any crookedness that may be in the Department of Commerce."—W. REED WEST.

In *Henry Clay and the Whig Party* (University of North Carolina Press, pp. 295), George Rawlings Poage has presented the first scholarly study of the great Kentuckian. Although the book is not a biography, since Clay's last twelve years alone are covered, a significant period both for him and for the nation is well handled. Making use of the Clay, Crittenden, Webster, Clayton, and Taylor papers in the Library of Congress, the author has brought to light the personal and party politics of the eventful years immediately before the Whig party and its leader died. The warm glow of Clay's personality brightens the restrained and careful historical account; for in personal magnetism, America has offered no superior, and only Franklin D. Roosevelt, buttressed by the presidency, as a peer. Little attention is devoted to party organization or to an analysis of vital social forces; hence the book is of value chiefly to the party historian.—J. B. SHANNON.

STATE AND LOCAL GOVERNMENT

The members of the 1937 session of the Michigan state legislature have found on their desks two new publications which should be of great assistance to them in their work. The first is the *Report of the Civil Service Study Commission* (Lansing, pp. 90); the second, Harold M. Dorr's *Administrative Organization of State Government in Michigan, 1921–36* (Bureau of Government, Ann Arbor, pp. 28). The latter is a factual study of the state reorganization of 1921, later amendments, and present proposals for change, followed by a careful outline of the present administrative agencies, with a summary of the legal basis and functions of each. An excellent chart of the administrative organization of the state is included at the end of the pamphlet. The Civil Service Study Commission was created by Governor Fitzgerald in October, 1935, to make a survey of the state civil service and to draft a civil service law to be submitted to the legislature at its 1937 session. The published report which has resulted from the labors of this group of five citizens is comprehensive and convincing

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evidence of the need for legislation. Dr. James K. Pollock, of the University of Michigan, was chairman of the commission, which included among its members Dr. Lent D. Upson, of Wayne University. The basic data were collected by a staff under the direction of the Public Administration Service. The report consists of an analysis of present personnel practices, illustrated by numerous tables and charts, followed by a proposed civil service bill for the state of Michigan, with annotations. The bill is a great advance upon former state civil service laws, although in a number of its features it represents a compromise with local sentiment at the expense of a more ideal arrangement. Such are its insistence upon placing the administration of the law under an independent agency, giving it four members equally divided between parties rather than a non-partisan or at least uneven-numbered membership, and creating a very long list of unclassified positions. But these concessions to expediency are overbalanced by the success of the commission in devising stoppers for most of the loopholes through which present civil service laws are flagrantly evaded.—HARVEY WALKER.

Five recent bulletins relating to local government in New York constitute a noteworthy addition to the growing literature concerning rural local government. *Rural Government in New York* (Cornell Extension Bulletin 331, New York State College of Agriculture, pp. 39), by M. P. Catherwood, is a study of the organization of local government and the administration of local functions in the fifty-seven counties outside New York City. For the most part, the study is confined to the government of counties, towns, and school districts, since these are the areas of particular significance in rural communities. In addition to the discussion of organization and administration, sections are included on the significance and historical development of local government, and the interrelationships of the various governmental units. Brief consideration is given also to the act of 1935 providing optional forms of county government, the local-government amendment to the state constitution adopted the same year, and the possibilities of effecting improvement under those measures. The other four studies, bearing a common imprint (Ithaca, New York, August, 1936), are bulletins of the Cornell University Agricultural Experiment Station. In *Use and Value of Highways in Rural New York* (Bulletin 656, pp. 30), W. M. Curtiss presents a comparative analysis, based upon traffic counts, of the nature, intensity, and origin of traffic on New York highways in 1926–27 and 1934. Data are also included, as obtained from questionnaires mailed to Farm Bureau members in 1935, relative to the extent to which automobiles and trucks are used by farmers, and farmers' estimates of what improved roads are worth to them. *Local Government in Tompkins County, New York* (Bulletin 657, pp. 44), by

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T. N. Hurd, is a study of the government of the 162 local units in a single county. These units include, in addition to the county itself, nine towns, five incorporated villages, 133 school districts, thirteen special street-lighting districts, and the city of Ithaca. Both governmental organization and the financing of local activities are considered, with particular emphasis upon trends in taxes and governmental costs. Possible changes in local organization and administration are suggested. In *Variations in Town Taxes in New York* (Bulletin 658, pp. 43), M. P. Catherwood analyzes the trend in town and special-district taxes in the 932 New York towns from 1900 to 1934, and in the variations in such taxes among the several towns in 1934. The effect upon tax trends and variations of such factors as density of population and taxable property per capita is studied. Town and special-district taxes combined are found to amount to approximately ten times as much in 1934 as in 1900. It is concluded that, while increases in population and in the general price level have been of some influence, the most important factor in bringing about this great increase in taxes has been a marked increase in governmental services. *Receipts and Expenditures of 876 New York Towns in 1934* (Bulletin 659, pp. 50), by M. P. Catherwood, is an analysis of the receipts and expenditures of the towns of the state exclusive of those in Nassau, Rockland, Suffolk, and Westchester counties, and those with a population of more than 10,000 in other counties. Consideration is given to the relation of such factors as taxable property and density of population to variations in total town expenditures and in the distribution of the total expenditures among the several town functions.—CLYDE F. SNIDER.

With a program of social security an almost certain development in the years just ahead, two monographs issued by the Public Administration Service are of very timely interest. No. 52 (pp. 74) is *Unemployment Compensation Administration in Wisconsin and New Hampshire*, by Walter Matscheck; No. 53 (pp. 48) is *The Administration of Old Age Assistance in Three States* (Massachusetts, New Jersey and New York), by Robert T. Lansdale, Agnes Leisy, Elizabeth Long, and Byron T. Hipple. The systems established in these states are examined almost solely from the point of view of their administration, and quite properly so, since the effectiveness of such far-flung programs depends even more than is commonly the case upon alert and efficient day-by-day management. It is well also to begin such studies at the outset of such programs so that critical observation may parallel official experience. Other states are to be surveyed later, and the two monographs before us are in the nature of interim reports. No complete account of their findings is possible in the space available here, but it may be said that both cover with commendable thoroughness such matters as state and local machinery and person-

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nel, state supervision of local authorities (in the case of old age assistance), central and local record-keeping, and the general effectiveness of administration. An important part of the study of old age assistance administration is the statement of the elements of a state supervisory program developed by the authors after surveying practices in the three states studied. Though the sample is perhaps not sufficient to warrant many general conclusions, both studies indicate that on the whole the programs have been administered intelligently and with a minimum of friction, considering the difficulties involved in implementing a novel program, assembling a properly trained personnel, and developing workable administrative procedures. Both studies are critical and constructive in the best sense of the terms, and no student of social security can afford to pass them by.—LANE W. LANCASTER.

In *Machine Politics in New Orleans, 1897–1926* (Columbia University Press, pp. 245), George M. Reynolds traces the origin, growth, and rise to power of the Choctaw Club of New Orleans, and describes the political life of Martin Behrman, one of the outstanding personalities in American municipal life. To those who have an intimate knowledge of and interest in Louisiana politics, this biography is somewhat disappointing. The vigor, gusto, and fanfare of Louisiana machine politics are missing. The work will prove of considerable value, however, to those who are interested in securing a general knowledge of contemporary political conditions in Louisiana's largest municipality, and of the usual relations existing between state and local machines. Too much stress is laid on a "so-called" social, economic, and legal background, and the more valuable chapters on Martin Behrman and on the organization and activities of the Choctaw Club appear weak in comparison. In view of the fact that an historical approach is followed, the modified form of commission government in effect in New Orleans in 1868 should have been noted, and its close similarity to the form now existing would perhaps explain the fact that the charter of 1912 simply superimposed a commission form of government on the old mayor-council system. For this reason, commission government has never been achieved as such in New Orleans, and it is this fact that still makes the mayor a leading political figure. Dr. Reynolds concludes by suggesting some interesting reasons for the lack of opposition to the "Old Regulars" in New Orleans, and for the one-party system in the state.—R. L. CARLETON.

The *American Planning and Civic Annual* for 1936 (American Planning and Civic Association, pp. xxii, 248 and 170) consists of two parts. Part I contains approximately fifty papers dealing with national planning and parks, the regional park system of Washington, state planning, roadside

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improvement, and state parks. These papers were delivered at various national and regional conferences held during 1935 and 1936. Part II contains the proceedings of the Joint Conference on Planning held in Richmond, Virginia, in May, 1936. These papers are grouped under city, county, state, regional, and national planning, and the addresses delivered at the annual banquet form a final section. In preserving such a composite contribution to the literature in its field, the American Planning and Civic Association extends its range of influence immeasurably, instead of confining it merely to persons in actual attendance at its conferences. The *Annual* justifies the hope expressed by Mr. Frederic A. Delano, president of the Association, that "readers will find accurate information, stimulating thought, and an urge to join with us in our effort to coöperate with city, state, regional, and national planning agencies for a realization of better living and working conditions brought about through avoidance of waste and an application of planning principles."—DOROTHY SCHAFFTER.

The Bureau of Public Administration of the University of California has recently issued the first of a series of publications dealing with the interrelationships of federal, state, and local administration in that state. Written by Frances Cahn and Valeska Bary, it is entitled *Welfare Activities of Federal, State, and Local Governments in California, 1850–1934* (University of California Press, pp. xxiv, 422). The treatment is historical and descriptive. In addition to being well-documented, the volume bears the stamp of exhaustive, methodical, and meticulous research combined with able editing. While probably of primary interest to Californians, the state's contribution on such items as juvenile delinquency will render the work a valuable reference book elsewhere. Political scientists will be interested in the recommendation of return to board administration of an integrated welfare department after a decade of experimentation with a director whose tenure is subject to the will of the governor.—JOHN M. PFIFFNER.

A careful study of tenement housing in Chicago, started by the staff and graduate students of the School of Social Service at the University of Chicago in 1908, was continued over a period of approximately twenty-five years, and the results are now presented in *The Tenements of Chicago* (University of Chicago Press, pp. xx, 505), written in large part by Miss Edith Abbott. In the volume will be found valuable data on tenement legislation, population characteristics, congestion, rents, lodgers, furnished rooms, home-owners, eviction, etc. The findings point to the need for action in the field of improved housing for low income groups. Miss Abbott believes that the attack on tenement house conditions should proceed along four lines: (1) new buildings on vacant land where land

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values are cheap, (2) new buildings to accompany slum clearance, (3) better tenement house laws and enforcement of them, (4) repair of old houses. For such a program, a national policy and federal funds will be necessary.—HELEN I. CLARKE.

Harrison Boyd Summers, *Unicameral Legislatures* (H. W. Wilson Co., pp. 245), is Vol. XI, No. 1, of the "Reference Shelf," and as such is in the nature of a debate manual. Briefs on the affirmative and negative sides are followed by a fifteen-page bibliography, and this by copious passages culled from books and articles dealing with the history, structure, organization, and workings of legislative bodies, chiefly in the United States.

FOREIGN AND COMPARATIVE GOVERNMENT

Professor H. R. Spencer's *Government and Politics Abroad* (Henry Holt and Co., pp. 558) "is designed for the use of American college students and others who desire an introduction to the politics of foreign countries. . . ." The author has produced a very readable text which should find a wide scope of usefulness in elementary survey courses on foreign government. The treatment of the material marks no sharp departure from the conventions established by previous texts in the field. The approach is primarily in terms of historical conditioning factors and description of present-day structure and organization, country by country; governmental functions tend to be neglected or treated summarily. The feature of Professor Spencer's text which calls for special notice is its coverage. The author does not limit his discussion to the Great European Powers, but also includes sections on Canada, India, Switzerland, Sweden, Czechoslovakia, Yugoslavia, Japan, Latin America with special attention to Chile, and a final chapter on international government. While this venture in political globe-trotting is an altogether admirable effort to enlarge the ambit of the ordinary course in foreign government, it is to be feared that the task of compressing and digesting all this material within the limit of 550 pages of text presents an almost insuperable problem of condensation. Granted the space limitations, Professor Spencer has probably performed the task as well as can be expected. Readers who would like to go further are provided with suggested readings at the end of each chapter. This reviewer, nevertheless, regrets that the author did not see fit to make it a longer book and hopes that a second edition will provide him with such an opportunity.—MERLE FAINSOD.

In *Serjeanty Tenure in Mediaeval England* (Yale University Press, pp. 277), Miss Elizabeth G. Kimball has written an admirably scholarly work on a neatly circumscribed theme. Her book is a description and

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early history of one of the less important of the four mediaeval feudal tenures of England, the others being, of course, knight's service, socage, and frank almoign. She has expanded and corrected Round's studies, hitherto our best source of information about serjeanty. Almost the only hypothesis advanced is one suggested by the impossibility of defining the tenure in such a way that the characteristics would be distinctive. Hence Dr. Kimball plausibly maintains that it was largely an administrative creation, a grouping together of various holdings and services which remained outside the other tenures. This was done particularly during the thirteenth century; for in the twelfth evidence about it is fragmentary. Toward 1300 there appeared a tendency to commute it into either knight's service or socage. What in general characterized serjeanty during its brief heyday were the following traits. Many serjeanties arose from personal services due the king or others, though of the great household offices none were such save possibly those of the marshal and the butler. In the household and in the chamber, however, many minor posts were serjeanties. Others were connected with the king's hunting and travel. Others were administrative posts of the central government, especially of the exchequer, or were local, like the keeping of castles. Others still were military, the service being that of one-half a knight's fee and tending to change into knight's service. So diverse were the services owed that toward the end of the thirteenth century the distinction between great and petty serjeanties arose. All military serjeanties and several others were of the former class and carried with them rights of wardship, marriage, and relief. The author has dipped frequently into manuscript sources. Though there is a little repetition, her book is a model of what an expanded doctor's thesis should be.—HOWARD L. GRAY.

The necessarily silent work of a secret service rarely receives such competent publicity as that in Sir Basil Thompson's *The Story of Scotland Yard* (Doubleday, Doran and Co., pp. xv, 347). Out of a series of interesting cases emerges Scotland Yard as an institution. With characteristic British sense, the occasion precedes the organization. Slowly in the face of a settled distrust of a secret police the Criminal Investigation Department proves its competence and need. The story also demonstrates that in Great Britain government is a coöperative enterprise, for behind Scotland Yard are 20,000 local police officers who eagerly enlist its skill. In contrast to our notable group of G-men who are college and law school graduates, Scotland Yard will not take educated men but trains its policemen—an interesting example of the differences between British and American institutions in which the usual practice seems to have been reversed. Sir Basil writes so entertainingly that one is inclined to overlook the implication that Scotland Yard is just another one of those

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superior British institutions. To the student of criminal administration, a somewhat more critical commentary would have been welcome.—MILLER D. STEEVER.

The victory of the Popular Front in the French elections of last spring has occasioned the appearance of a considerable body of propagandist literature, from Communist quarters, designed to justify their new anti-fascist, reformist strategy. Such are Maurice Thorez's *France Today and the People's Front* (International Publishers, pp. 255) and Ralph Fox's *France Faces the Future* (International Publishers, pp. 134). Despite its partisan character, the first volume, by the youthful secretary-general of the French Communist party, is temperate in tone and presents an impressive, if not scholarly, analysis of the changing economic pattern of French society. The second book, written by an English Communist for the edification of his *confrères*, is given more to sweeping and unfounded generalizations and extravagant hopes for the conversion of the French peasantry and industrial workers to the Marxist faith. M. Thorez is very much fairer to his opponents than is Mr. Fox. For the student of contemporary social evolution, both of these tracts are valuable for the insight they afford into how the non-industrialized France of the nineteenth century is yielding to the inexorable forces of the machine age. In this transition, the People's Front heralds, perhaps, the emergence of a new social synthesis, the contours of which are not yet clear. Neither M. Thorez nor Mr. Fox, however, will convince many of their readers that these contours are eventually to be communist.—WALTER R. SHARP.

Nearly half a century ago, F. C. Montague's *Elements of English Constitutional History* took its place as a brief, factual guide to the constitutional development of England from the earliest times. A new edition appeared in 1923; and another (Longmans, Green and Co., pp. 268) came from the press in 1936, with some incidental changes and an added chapter summarizing developments to the death of George V. The book is too brief to be of service to anyone except a beginner.

INTERNATIONAL LAW AND RELATIONS

The current discussion of neutrality problems has evoked a voluminous polemical literature, and threatens to equal the war guilt controversy in its violence and futility. Dispute centers about the "cause" of America's entry into the World War, in the hope that a formula for avoiding all future conflicts may be derived from a study of our national experience as a neutral. Unfortunately for the interests of clarity and objectivity, there seem to be emerging two extreme schools of thought: the economic determinists, in whose view the entry of the United States against Germany was fore-ordained by the first Allied loan, and the idealists, who

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insist that America's belligerency was dictated solely by high-minded humanitarianism. Professor Charles A. Beard enters the lists in this battle of books with a suggestive little volume on *The Devil Theory of War; An Inquiry into the Nature of History and the Possibility of Keeping Out of War* (Vanguard Press, pp. 124). The writer attempts to steer a course between the two extremes, but is generally a little to the left of center. "War," he says, "is not the work of a demon" (banker, munitions-maker); it may evolve quite naturally out of peace-time, domestic exigencies, and it is no aspersion upon the sincerity or the character of our responsible statesmen to suggest that they may have been influenced by motives which were not always the conscious and ostensible ones. The cause of American belligerency cannot be "historically isolated, as one isolates a microbe," and to speak of the German submarine campaign as the "basic" cause is merely to add a "question-begging adjective" to an almost meaningless noun. Professor Beard closes with a plea for full publicity in future wars, in order to avoid the suspicion or the reality of collective involvement for individual profit. "If we go to war," he concludes, "let us go to war for some grand national and human advantage openly discussed and deliberately arrived at, and not to bail out farmers, bankers, and capitalists or to save politicians from the pain of dealing with a domestic crisis."—LAWRENCE PREUSS.

In *Maritime Neutrality to 1780* (Little, Brown, and Co., pp. x, 351), Dr. Carl J. Kulsrud has added another to the growing list of studies of neutrality made from the historical point of view. He concludes that the so-called First Armed Neutrality of 1780 was not in fact the first, but rather the fourth attempt of neutrals to secure by concerted action the desired freedom for their navigation. The league of 1780, however, unlike its predecessors of 1691, 1693, and 1756, enunciated a formal creed or list of specific principles which it sought to compel the world to accept. Those principles were so stated as to appeal strongly both to eighteenth-century devotees of the law of nature and of reason and to succeeding historians, with the result that there has been a disposition to credit the Northern Powers with a rather noble and successful rôle in the struggle for the freedom of the seas for neutrals. As a matter of fact, the author contends, those Powers were prompted in their actions by economic and commercial greed; the principles which they sought to impose by force, however reasonable and just, were in large measure in direct conflict with then existing international law and usage; and a number of reforms often attributed to their efforts were actually "effected under different conditions and in time of peace, in the following century." Defense of this thesis patently calls for a detailed study of the "history to 1780 of the main principles involved in maritime controversy between

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neutrals and belligerents, and of the agencies evolved to give effect to these principles," and to that study the bulk of the book is devoted. There are chapters dealing with early prize law and prize adjudication, the rule of war of 1756, the principle of "free ships, free goods," the right of visit and search, the evolution of blockade, the definition of contraband of war, and the armed neutralities preceding that of 1780. The book is supplemented with a twelve-page index. Dr. Kulsrud has written well and interestingly, presumably after extensive research in materials which must frequently have been elusive. Perhaps the usefulness of his book might have been somewhat increased had he included a complete bibliography of those materials.—VALENTINE JOBST III.

The nebulous doctrine of *rebus sic stantibus* which the text-writers have been in the habit of referring to casually, without careful analysis or explanation, is at last being brought down out of the legal stratosphere. The works of Chesney Hill, John Fisher Williams, members of the Harvard draft code committee, and others have added immeasurably to an understanding of the elusive doctrine, and T. Young Huang's *The Doctrine of Rebus Sic Stantibus in International Law* (Shanghai: Comacrib Press, pp. 201) now comes as an outstanding contribution to the subject. The new book is compact and comprehensive. The author explains at the outset the relationship between the doctrines of *pacta sunt servanda* and *rebus sic stantibus*, and then proceeds lucidly with an exposition of the ways in which the latter has been employed by publicists, by diplomats, and by the courts, domestic and international. He concludes that *rebus sic stantibus* very definitely contains a legal residue of considerable potential value to the international legal system, despite the loose handling of the doctrine by publicists and statesmen. It is unfortunate that Mr. Huang insists upon incorporating *rebus sic stantibus* into Article XIX of the League Covenant, a view which seems to confuse *rebus sic stantibus*, essentially a legal doctrine for the termination of treaty obligations, with the political and legislative problem of treaty revision. What is most admirable about the book is that it is more than a narrow, legal analysis; the author shows keen perception of fundamental problems and is most stimulating and provocative in his suggestion that while *rebus sic stantibus* is really applicable only to treaties made under duress for an indefinite period, the application of the doctrine to such "agreements" may well be ruled out of order because it is the intention of one of the parties to have the treaty maintained no matter how much conditions may change. This constitutes a neat paradox for international lawyers to ponder about. Mr. Huang has made a highly valuable addition to current international legal literature.—PAYSON S. WILD.

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Both the layman and the student of international relations will be interested in Professor R. B. Mowat's volume on *Diplomacy and Peace* (R. M. McBride and Co., pp. 295). Written in a style pleasing to readers generally, the book does not sacrifice information and scholarly discussion. Although the author has given some treatment to the "old diplomacy," his emphasis is distinctly on the "new diplomacy" of the post-war period. A few chapters present rather unusual approaches to the subject. For example, in Chapter VIII on "General Staffs and Diplomacy," the author discusses several instances in which military or naval authorities have acted decisively in diplomacy, either in advising weak ministries or in creating international obligations through "conversations" with the staffs of other countries. In Chapter X, on "The Folly of Sudden Diplomacy," he condemns the practice of exploding bombs in the form of *faits accomplis* in the arena of diplomatic action. Chapter XIV ("Spa Diplomacy") depicts the significance of the conversations between foreign ministers or diplomats of various countries who meet by chance or otherwise at such European health resorts as Spa and Aix-la-Chapelle. The remaining fourteen chapters deal with diplomacy from somewhat more conventional points of view, under such headings as "Open Diplomacy, "Papal Diplomacy," "Diplomacy and the Press," "Diplomacy and Democracy." Professor Mowat criticizes the activities of prime ministers and foreign ministers in modern diplomacy with the statement that "subject to the knowledge and control of their parliaments or people, the technical work of negotiating agreements embodying policy should be left to professional diplomatists working away from the public eye." His discussions throughout are vitalized by the rich historical background drawn upon and by the authoritative quality of his opinions.—NORMAN L. HILL.

Montell Ogdon's *Juridical Bases of Diplomatic Immunity* (John Byrne and Co., pp. xx, 254) is a useful study in the origin, growth, and purpose of the law of diplomatic immunity. The excesses to which diplomatic officers have gone and, less frequently, the exaggerated degree in which governments of receiving states have manifested their sovereign prerogatives have been impediments to efficient international intercourse. Mr. Ogdon is of the opinion that under present conditions a restatement of the law of diplomatic immunity is not only desirable but necessary. The author first attempts to ascertain the fundamental purpose of immunity and why the practice arose. Two factors are conducive to the exaggerated claims which have been made. Medieval practice emphasized the dignity and honor of the representative because of the theory that he represented the person of his master. A second factor resulted from the revival of Roman law, which was erroneously interpreted to offer the basis for the extended claims of sovereignty made by states. These two factors led

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to excesses on the part of diplomatic officers and receiving governments. Mr. Ogdon investigates the various theories resulting from these forces, and in neither can he find any true juridical bases for immunity. To state it briefly, the true basis is to be found in the necessity for diplomatic intercourse. Reciprocal advantages and mutual interests are served by granting immunity in those matters necessary for the purposes of the mission. The author concludes that there is no valid juridical basis for immunity beyond this point. The book is not an attempt to develop a new law of immunity. It is a search for a basis upon which to build a law which will be more in accord with modern conditions and more conducive to successful and efficient relations.—WILLIAM M. GIBSON.

The Bagdad Railroad as a German enterprise reached its end with the armistices of 1918. Morris Jastrow's little book on its relation to the Great War had appeared already, and E. M. Earle's excellent study entitled *Turkey, the Great Powers, and the Bagdad Railway* was published five years later. Since 1923, many fresh documents have come out, so that ample justification exists for the careful work of John B. Wolf, who now presents *The Diplomatic History of the Bagdad Railroad* (University of Missouri Studies, pp. 107). Naturally, Dr. Wolf is aware continuously, and perhaps a trifle adversely, of Earle's massive contribution to the subject; his corrections and additions are regularly well thought out and keenly stated. His main reliance is upon *Die Grosse Politik*, the *British Documents on the Origins of the War*, and Benckendorff's *Schriftwechsel* as edited by Siebert. The history of the Bagdad Railway is traced through forty-eight years in seven phases. As planned by the Germans, a line of communication and transportation would be opened up across regions important in all recorded history, but lately in comparison with ancient and medieval times left backward and decadent; the new enterprise promised rejuvenation and reintegration. Turkey would be strengthened economically and politically. Germany would make a lucrative financial investment, would gain prestige in the world of intelligence and culture, and might advance both figuratively and literally toward her political place in the sun." Austria discerned advantages in joining with her ally. But other Powers saw dangers in every part of the plan. Russia preferred a weak Turkey and no strong German line of force crossing her own projected push through the Straits. England feared commercial and political competition with her Mediterranean-Suez-Red Sea route. France foresaw the blocking of her desired railway extensions in Anatolia and Syria, and an unwelcome aggrandizement of her mighty neighbor and "eternal enemy" across the Rhine. Thus the Bagdad Railway project came into the central rivalry which determined the Great War. Nevertheless, the whole scheme was clearly in the direction of human progress,

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and thus it obtained general acceptance, yet only on the eve of the catastrophe that ruined it. Dr. Wolf has set forth clearly and shrewdly, with occasional vivid and apt expressions, the diplomatic episodes which developed in the process of arrangement and settlement.—A. H. LYBYER.

The publication of the first edition of *A Directory of International Organizations in the Field of Public Administration* (Brussels, pp. xv, 174) is a pioneer enterprise of capital importance to all social investigators whose range of operations extends beyond national horizons. This directory is the product of two years of hard, careful, and systematic effort on the part of the Joint Committee on Planning and Coöperation of the International Institute of Administrative Sciences and the International Union of Local Authorities—a committee whose inspiration was largely American, or, to speak in more specific terms, Mr. Louis Brownlow's. To Professor Rowland Egger of Virginia, who acted as field secretary of the committee, must go the major share of credit for compiling so difficult and valuable a directory as this. Its usefulness is enhanced by the broad definition which is given to the "field of public administration." The volume lists 205 different organizations whose activities may be classified under 50 different heads, including private and mixed, as well as wholly official, bodies. Under the entry for each organization appears a concise statement giving the date when it was founded, the address of its headquarters, the nature of its membership and affiliations, its annual budget, the size of its secretariat and library, and a list of its activities and publications. Without desiring in any way to detract from the admirable skill with which the directory is set up, this reviewer would venture to suggest that, for students of international relations at least, the next edition might be improved if two additional items were included, viz., (1) the geographical distribution of membership (as between Europe, America, the Great Powers, etc.), and (2) the price of the major (especially periodical) publications of those organizations which exact a charge for such documents. The directory may be obtained in this country from Public Administration Service, 850 East 58th Street, Chicago, Illinois (price, $1.50). —WALTER R. SHARP.

The Royal Institute of International Affairs deserves congratulations upon inaugurating a series of special studies of crucial contemporary questions by bringing to publication Ian F. D. Morrow's comprehensive, deep-probing work on *The Peace Settlement in the German-Polish Borderlands* (Oxford University Press, pp. xiv, 558). Mr. Morrow has elected to study present-day conditions in the territories once forming the historic, mediæval *Ordensstaat*. The volume is therefore appropriately divided into an historical introduction concerning the Eastern Marches, followed by detailed discussions of the problems of Danzig, the Corridor and East

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Prussia, and Memel, followed further by an appraisal of the situation of these areas as affected by the policies and diplomacy of the Third Reich. The author has not only ransacked the source materials from Polish and German sides, but has evaluated with a high degree of acumen the abundant controversial literature. As regards Danzig, he concludes that "the forcible separation of the Germans in Danzig from their German fatherland has not served any useful purpose" (p. 180). In East Prussia, Morrow finds "the two forces of national sentiment and [Junker] class self-interest combined to give the economic plight of the *Ostmark* an importance that it might not otherwise have achieved in German national life" (p. 418). In dealing with Memel, Morrow's work is far from being equally objective. He writes in large part from secondary and one-sided sources, ignoring much of the abundant literature—Lithuanian and foreign—on the subject, and revealing a marked anti-Lithuanian bias. While exhibiting considerable solicitude for Poland's claims to Memel, he shares Nazi horror at the asserted excesses of Lithuanian judicial procedure. This confusion of mote and beam is indicative of Morrow's general perspective when dealing with Lithuania. The author voices regret that "those members of the Paris Peace Conference charged with the responsible duty of drafting the treaties did not bring to their work the prudent disbelief in the essential willingness of races to coöperate and to compromise which would have caused them to give greater precision to treaty provisions" (p. 492). Clear drafting would not, of course, have obviated, but might have minimized, treaty provisions as the *foci* of racial conflicts. The volume closes on a note of profound pessimism.—MALBONE W. GRAHAM.

The publication of Manley O. Hudson's *Cases and Other Materials on International Law* and E. D. Dickinson's *Law of Nations* in 1929 marked the beginning of a new tendency in the teaching of the subject. Up to that time, the emphasis upon Anglo-American practice, as revealed in judicial decisions, was almost exclusive, and broad training in the general principles of international law was subordinated to the special needs of future practitioners. In the preface to the first edition of his casebook, Professor (now Judge) Hudson called attention to the necessity of including "cases decided by tribunals bound to apply the general law of nations as distinguished from those parts of it which may have been received into the law of a single nation." In the second edition (West Publishing Co., pp. xl, 1440), he preserves the broad international approach which characterized the first, and adds to his wide selection from the decisions of international and continental European tribunals, and from treaties and national legislation. A new section on "The Law of the Society of Nations" (pp. 1–19) contains well-chosen excerpts from the

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writings of the classical jurists and from such contemporaries as Brierly, Scelle, and Kelsen. The introductory bibliographical section is made more useful through the classification of its items under the headings of "Bibliographies," "Cyclopedias and Digests," "Collections of Cases and Reports," etc. The whole is an abridged *Corpus Juris Gentium*, the importance of which, as a work of international documentation, exceeds its high value as a teaching tool. It adds to the heavy debt which the entire profession of international law already owed to Professor Hudson's untiring industry and initiative.—LAWRENCE PREUSS.

The general theme of the Sixth Conference of the Institute of Pacific Relations, held in Yosemite National Park in August, 1936, was "Aims and Results of Social and Economic Policies in the Pacific Countries," the subject being chosen in recognition of the well-known fact that policies adopted for purely domestic purposes often affect the fortunes of other peoples and even produce complications and tensions in international relations. Among council or secretariat papers prepared for the Conference in pursuance of the plan, and now published by one agency or another, are: E. Raikhman and B. Vvedensky, *The Economic Development of the Soviet Far East* (U.S.S.R. Council, Institute of Pacific Relations, pp. 50); C. M. Chang, *A New Government for Rural China* (China Institute of Pacific Relations, pp. 51); John R. Stewart, *Manchuria Since 1931* (New York: Institute of Pacific Relations, pp. 53); Quincy Wright, *Diplomatic Machinery in the Pacific Area* (New York: Institute of Pacific Relations, pp. 41, appendix); and League of Nations, *Memorandum on the Work of the League in Relation to the Pacific* (Geneva, pp. 102). Professor Wright's pamphlet is in the nature of a description and appraisal of the diplomatic and other international machinery—bilateral, regional, and general—available to the nations of the Pacific area for the peaceful adjustment of disputes, with a summary of the actual handling of thirty-three serious disputes that have arisen in that area since 1918. The opinion is expressed that there is now no lack of machinery, that the addition of new treaties and new procedures might "weaken rather than strengthen the existing system," and that what is chiefly required is "more determination on the part of public opinion" to make present agencies and procedures actually work. The League of Nations publication listed has to do, not with such matters as the Japanese advance in China, but with technical coöperation, communications and transit, health, narcotics, and similar subjects.—F. A. O.

One of the most valuable of the publications of the Hoover War Library at Stanford University is *The Treaty of St. Germain; A Documentary History of Its Territorial and Political Clauses* (Stanford University Press, pp. xxx, 712), edited by Nina Almond and Ralph Haswell Lutz. In this

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volume the editors have included 348 documents and four maps relating to the Treaty of St. Germain, selected from some 35 different sources. These documents are classified and arranged in seven chapters in such a way as to show, first, the chronology of the treaty negotiations, and, secondly, the development of the negotiations and decisions that brought about the final arrangements with respect to Austria. In view of the unique position of Austria in relation to the World War and the numerous complex problems that arose out of the disruption of the Austro-Hungarian monarchy, these documents necessarily deal with and throw considerable fresh light on a variety of special problems as well, such as the League of Nations, the protection of minorities, plebiscites, nationality, mandates, the status of succession states, and even on problems apparently so remote from Austria as Egypt, Morocco, Siam, and China. The editors have written a brief introductory note to each group of documents, and a longer introductory chapter in which they describe and clarify the somewhat intricate organization and methods of the Peace Conference. They also provide in this chapter an excellent bibliographical survey which fully explains the confusing variety of minutes and records used by the different groups and delegations of the Peace Conference. The documents are carefully annotated, and a complete table of contents and index are added, contributing materially to the usefulness of the volume. Altogether, the collection is a notable one, representing the most diligent research by the editors, and including probably all the documents of any importance that relate to the conclusion of the Austrian treaty. The volume is so excellent and so useful that one can only look forward to the early publication of similar collections for the other peace treaties.—CLARENCE A. BERDAHL.

In an earlier volume entitled *The Banana Empire*, Charles D. Kepner, Jr., and J. H. Soothill reviewed the development of the great fruit companies, their far-reaching economic control over the resources of many of the Caribbean countries, and the political influence which they have come to exercise there. The analysis showed that the corporations discussed have acted as many similar organizations have done in the United States and elsewhere, but have succeeded in obtaining a much higher degree of influence in local affairs than elsewhere because of the weakness of the local governments. The conclusion was reached that capitalistic organization of the fruit industry had resulted in widespread abuses, and that it should give way to production for profit. In his *Social Aspects of the Banana Industry* (Columbia University Press, pp. 400), Mr. Kepner turns his attention to the social consequences of the development of the banana trade. His chapters are based on research in company reports, public documents of the United States and the Caribbean republics, and

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interviews with persons closely connected with the industry. He reviews dispassionately the effects of the fruit industry upon the landholding system, the return to the independent planter, the low wages of the laboring classes, the unsatisfactory health conditions of the plantation areas, the absence of social security, and the efforts of the laborers through organization to better their condition. The picture makes a highly unfavorable contrast with what has been won in more industrialized areas. The conclusions reached are that the great companies, although having much to their credit, have not measured up to their social responsibilities. It is argued that the abolition of the capitalistic system is not necessary, but that the corporations should be satisfied with smaller profits, that small landholding should be encouraged, and that promotion of democracy in the Caribbean must depend largely on the development of coöperatives, unions, and social legislation by the Caribbean governments.—CHESTER LLOYD JONES.

The first reaction of the reader to David Harris' *A Diplomatic History of the Balkan Crisis of 1875–1878; the First Year* (Stanford University Press, pp. 474) may be that the author has chosen a well-worn subject. The main outlines of the crisis dealt with have long been known and have been set forth at considerable length in many books. In spite of the many recent studies of the diplomacy leading up to the World War, however, the author has made a real contribution to our knowledge of the first year of the earlier crisis. He has based his work on manuscript material recently made available to scholars by the Haus-, Hof-, and Staatsarchiv at Vienna, the better known correspondence of the Public Record Office, the various series of published diplomatic documents, and the mass of pertinent biographies and memoirs. From these sources he has produced a more skilfully organized, better written, and more detailed account of the first year of the crisis than has yet appeared, so far as the reviewer knows, in any language. The author tells, as he must, a story of failure. The local Turkish officials, the ministers of the Sultan, the consuls of the six Great Powers, and lastly the representatives of five of these Powers failed to prevent the spread of the revolt in Herzegovina to the surrounding states and provinces. The author, however, shows better than anyone else who has written upon the subject the confusing and complicated interplay of conditions, events, personalities, and diplomatic measures. He presumably plans to finish the story in later volumes.—C. P. HIGBY.

Sustained interest in the subject of immigration—especially its racial aspects—is indicated by the appearance of Rodman W. Paul's *The Abrogation of the Gentlemen's Agreement* (Harvard Phi Beta Kappa Society, pp. xiii, 117), prize essay for 1936. In this small attractively bound monograph, the author presents a succinct, highly interesting, and valu-

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able "thumb-nail" study of the legislative background of the "ineligible to citizenship" excluding clause in the Immigration Act of 1924, with particular reference to the Japanese. He traces the origin and operation of the famous so-called "Gentlemen's Agreement" of 1907–08 between Theodore Roosevelt and Japan, regulating the issuance by the Japanese government of passports to the continental United States for Japanese non-laborers and certain classes of laborers, and discusses the reaction of various leaders in Congress to the celebrated "grave consequences" phrase in Ambassador Hanihara's protest to Secretary Hughes. A brief, helpful bibliography appears; and acknowledgment is made of information and other assistance on the diplomatic aspects of the problem given by officials of the Department of State and of the Consulate-General of Japan at New York City.—HENRY B. HAZARD.

The British Year Book of International Law, 1936 (Oxford University Press, pp. 260) maintains the high standards established in the past sixteen years. A fact important for the political scientist is that this publication deals with matters not confined to international law in the narrow legalistic sense. The feature articles are noteworthy because of their emphasis upon problems of pressing importance, which are approached in a spirit of statesmanship rather than of a practicing attorney. This is not to imply that the journal lacks material valuable for him who seeks positive law. Summaries of cases before international tribunals and decisions of English courts are presented, and a comprehensive review of books and periodical literature offers assistance to those engaged in research in a field in which important publications are scattered over the whole world. A bibliographical section, arranged topically, cites articles in twenty periodicals. Persons interested in international government will find articles by three of the leading English authorities on international law, dealing with "The Covenant as the 'Higher Law'," "Sanctions Under the Covenant," and "Collective Security."—CHESNEY HILL.

MISCELLANEOUS

Two readable introductions to economic history appear in *American Economic Development* (Thomas Nelson and Sons, pp. 448), by A. M. Sakolski and Myron L. Hoch of the College of the City of New York, and *An Economic History of the British Isles* (F. S. Crofts and Company, pp. 391), by Arthur Birnie of the University of Edinburgh. Following a brief introduction on "The Economic Interpretation of History," Messrs. Sakolski and Hoch carry their story from the European background of American economic life to the problem of control of business in the present. Their treatment is intentionally topical rather than periodic, with the idea of emphasizing significant economic events. The result is that,

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in spite of a good chapter on "The Constitution and American Economic Life," the book suffers from lack of integration of the economic with the political and social development of the country. The authors discuss territory, population, transportation, natural resources, agriculture, manufacturing, money and banking, labor, shipping, and concentration, in the order named. Mr. Birnie follows a chronological course, dividing his treatment into four periods ranging from pre-historic to modern times. Within each period, there is a somewhat topical treatment. Book II, on the period from the eleventh to the sixteenth century, covers feudalism and the manor, the decay of villeinage, commerce and towns, industry and craft gilds, economic opinion of the Middle Ages, money and public finance, state and economic regulation. Special chapters deal with Scotland, Wales, and Ireland. Some of these topics recur in the next two sections, but there are also chapters on the mercantile system, industrial revolution, agrarian revolution, rise and decline of free trade, *laissez faire*, and socialism. Something of the social life and thought contemporary with the economic development, including government activities, is woven into the economic story. Mr. Birnie briefly and clearly defines many of the unfamiliar terms which an American student will find in English economic history.—HARVEY PINNEY.

Old Wires and New Waves (D. Appleton-Century Co., pp. 548), by Alvin F. Harlow, is an interesting account of the development of telegraphy and telephony, by wire and radio, in the United States. The approach is through the principal inventions in the respective fields, followed by a description of the activities of the important companies exploiting these inventions. The descriptions are full for the early period of development, meagre for the succeeding years, and somewhat better for the recent past. This process weights the book heavily in favor of the telegraph as against telephony and broadcasting. Problems of regulation are largely ignored. The book offers little for persons interested in international electrical communications or in electrical communications in foreign countries. The author has written in an entertaining style enlivened with anecdotes, and has produced a book which will be useful to persons who desire a sketch of the rise of the present American communication systems. It does not fill the need for a really adequate description of the rise and present position of electrical communications in the United States; but that need cannot be filled within the compass of a single book of the modest proportions of that here considered.—IRVIN STEWART.

Electricity for Use or for Profit (Harper and Brothers, pp. x, 211), by Bernard Ostrolenk, is an effort to indicate the importance of cheap power in promoting a higher standard of living. To advance the cause of cheap

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electricity, the author strongly champions the use of the federal "yard-stick." If this policy fails, "public ownership remains as the only alternative." To prove this thesis, Mr. Ostrolenk has drawn heavily upon the well known documents of the Federal Trade Commission, studies of the Federal Power Commission, investigations of Congress and the New York legislature, and the reports of the New York State Power Authority. The volume would have more appeal for the student of government if the author had analyzed some of the arguments advanced by opponents of the "yard-stick" principle. The absence of references to the mass of anti-yard-stick literature definitely weakens the author's position.—CHARLES C. ROHLFING.

The Nationalizing of Business, 1878–1898 (Macmillan Co. pp. 313), by Ida M. Tarbell, is a carefully-planned, analytical study of an exceedingly important phase of the industrial history of the United States. Such subjects as the consolidation of national communications, the development of the use of electricity in industry, the formation of industrial trusts, and the organization of farmers and of labor in industry are treated in an interesting manner without the loss of factual details and without bias. The author has made careful and extensive use of a wide variety of sources, including her own work on the Standard Oil Company, and has, in her concluding chapter, presented a critical analysis of these sources.—DANIEL B. CARROLL.

A Handbook of Latin-American Studies (Harvard University Press, pp. xv, 250), edited by Dr. Lewis Hanke, assisted by sixteen "contributing editors," is a new and important milestone in the development of Latin-American bibliography. Some 2,350 items of all sorts, published in 1935, many with a brief critical evaluation, are included. The fields covered are anthropology and archaeology, economics, geography, history, law, and literature; comparatively few items deal with government and politics. This attractive and serviceable volume is designed as the first of a series of annual bibliographies.—RUSSELL H. FITZGIBBON.

Under the editorship of G. Lloyd Wilson, Vol. 187 (September, 1936) of the *Annals of the American Academy of Political and Social Science* (pp. 206) is devoted to the general subject of "Railroads and Government." Seven out of a total of twenty-seven articles deal with railroad problems in the United States, besides six others treating of various phases of the issue of government ownership and operation. In a further group will be found eight papers relating to railways in Great Britain, France, Canada, and Mexico. Major interest attaches, perhaps, to discussions of the Wheeler-Eastman government ownership plan by the editor, G. Lloyd Wilson, and Henry A. Palmer.

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RECENT PUBLICATIONS OF POLITICAL INTEREST
BOOKS AND PERIODICALS

CHARLES S. HYNEMAN
University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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Digest of purposes of current federal agencies. Revised August 15, 1936. Washington: Govt. Ptg. Off., 1936. 38 p.

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Division of economic research. Governmental protection of labor's right to organize. Summary of evidence introduced at a hearing before the National Labor Relations Board bearing upon the factual basis of the National Labor Relations Act and the reasonableness of the regulations embodied therein. Bulletin No. 1. Washington: Govt. Ptg. Off., 1936. 174 p.

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University of Illinois, Urbana. National taxation of state instrumentalities, by Alden L. Powell, Urbana, 1936. 166 p. (Illinois studies in the social sciences, v. 20, no. 4.)

KANSAS

Legislative council. This council issues, at rather frequent intervals, reports in mimeographed form for the use of legislators, such as lists of material on legislative problems, memoranda on questions that may arise in connection with the Kansas constitution and Title I of the federal social security act, status of state laws on social security, suggested unemployment compensation legislation, etc.

MISSISSIPPI

Tax commission. The internal debt structure of the counties of Mississippi, exclusive of municipalities, as of July 31, 1935. Jackson, September, 1936. 189 p.

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State planning board. Proceedings of the state-wide planning conference held at New Brunswick, N. J., March 18, 1936. Trenton, 1936. 156 p.

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Law revision commission. Second annual report. Albany, 1936. 1123 p.
This is not the usual annual report, but is a compilation of studies made during the year on recommended legislation, containing the background material of the existing law, etc. The work is so well done that much of it is already being used as collateral reading in law schools.

NEW YORK CITY

City of New York, Board of statutory consolidation. Preliminary report to the municipal assembly of the City of New York. New York, 1936. 117 p.
Perhaps the most interesting feature of this preliminary report is the detailed description of the minute methodology employed in studying the existing law, its history, and present status; and in setting up the problems as they touch the various departments of the city government.

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Government survey. Ohio government survey directed by Colonel C. O. Sherrill. Columbus, 1936. 302 p.

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